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JUSTICE

Vol.32 **ACTUALITÉS - REPORT** No.4

CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

CCJA INTERVIEW WITH CENTENNIAL COLLEGE MOCK COURT LIFE AFTER JAIL SEX(E) ET/AND INTOXICATION

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The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

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L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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JUSTICE

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EDITORIAL

IRVING KULIK
CCJA Executive Director

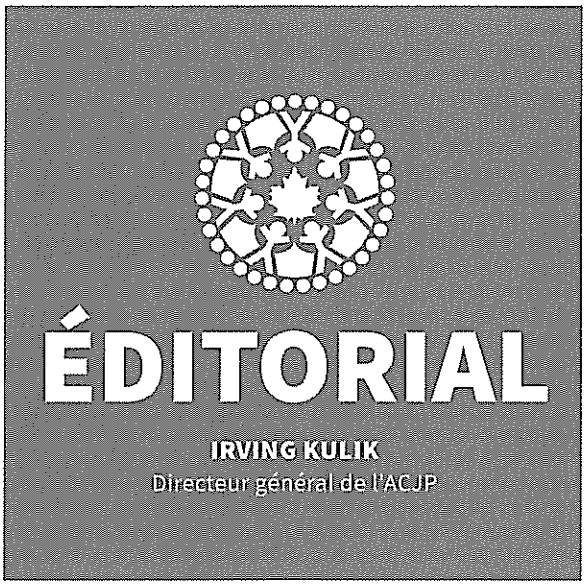
Our recent Congress 2017 in Toronto was a roaring success judging by the comments of so many delegates and participants at this, our 36th biennial. It was also a first in that we made a direct partnership with a government department—in this case the Ontario Ministry of Children and Youth Services. The contributions of Ministry staff, our affiliate—the Criminal Justice Association of Ontario (CJAO)—and their volunteers, were unparalleled and truly incredible. I would like to take this opportunity to thank each and every member of the Toronto planning committee for their terrific efforts and drive over the course of the last 30 months since we began this project.

Congress 2017 centered on youth justice and there was something for every element and aspect of criminal justice. Sessions included adult corrections, restorative justice, radicalization, and street gangs—to name only a few. The session discussing the issue of cannabis legalization was so over-subscribed we could have used a room twice as large. Clearly the Congress programme touched all the contemporary issues facing criminal justice practitioners and researchers. Congress 2017 had 600 registered delegates representing every province as well as the Yukon and also Australia and the United States. Delegates came from governments at the provincial and federal levels, social agencies, as well as academia and police services.

The opening keynote address by Professor Tony Doob, attended by an overflowing crowd of about 700, including the volunteers, set forth the historical and future legislative agenda for youth justice. Robb Nash was very entertaining; his message was also deeply moving. The same applied to the TIFF youth presentation and the closing demonstration and talk by Jay Mandarino and his volunteers. Many a session brought tears to the eyes of delegates hearing of the challenges and caring responses to the needs of our troubled and frequently at-risk youth. Finally, MP Anthony Housefather challenged delegates to get involved in the legislative process during his luncheon address, which struck a chord judging by the response. We thank each and every presenter
at Congress.

In closing I should mention and congratulate our CCJA Award winners. John Braithwaite was presented with the inaugural Willie Gibbs Lifetime Achievement Award for his many decades of service to Canadian Criminal Justice Association. Indeed, the award celebrates John as a living legend in CCJA. Dr. Christopher Schneider received the Public Education Award for his tremendous efforts in educating the public on criminal justice issues. The Antony Holland Award was given to William Head on Stage for bringing the value of theatre to criminal justice and rehabilitation.

As Congress 2017 came to a close we announced that Congress 2019 will be co-hosted in Quebec City with our colleagues at the Societé de Criminologie du Québec. The event will be taking place November 5-9, 2019 at Hotel Le Concorde on the historic Grande Allée, just steps from the Old City. I hope to see many of you there! ■



Notre récent Congrès 2017, tenu à Toronto, s'est avéré un succès retentissant, si l'on se fie aux commentaires d'un grand nombre de congressistes et de participants à cet événement biennal, notre 36e. Il s'est agi aussi d'une première, du fait que nous avons conclu un partenariat direct avec un ministère, en l'occurrence le ministère des Services à l'enfance et à la jeunesse de l'Ontario. La contribution du personnel du ministère et celle de notre affiliée, l'Association de justice pénale de l'Ontario (AJPO) et de ses bénévoles, ont été inégalées et vraiment incroyables. J'aimerais profiter de cette occasion pour remercier tous les membres du Comité de planification de Toronto pour leurs efforts formidables et pour le dynamisme dont ils ont fait preuve au cours des 30 derniers mois écoulés depuis le début de ce projet.

Le Congrès 2017 était centré sur la justice des jeunes et proposait quelque chose d'afférent à tous les éléments et aspects de la justice pénale. Les différentes séances ont porté sur les services correctionnels pour adultes, la justice réparatrice, la radicalisation et les gangs de rue pour n'en nommer que quelques-uns. L'atelier de discussion sur la question de la légalisation du cannabis a attiré tellement de participants que nous aurions pu utiliser une salle deux fois plus grande. Il est clair que le programme a abordé toutes les questions contemporaines auxquelles sont confrontés les praticiens de la justice pénale et les chercheurs. Le Congrès 2017 comptait 600 délégués inscrits, représentant toutes les provinces ainsi que le Yukon, l'Australie et les États-Unis. Les congressistes provenaient des gouvernements provinciaux et fédéral, d'organismes sociaux, ainsi que d'universités et de services de police.

Le discours liminaire du professeur Tony Doob a attiré une foule de quelque 700 personnes, y compris de nombreux bénévoles; il y a énoncé le programme d'action législatif historique et futur de la justice pour les jeunes. Robb Nash a été très divertissant; son message a également été profondément émouvant. Il en a été de même de la présentation du groupe jeunesse du Toronto International Film Festival (TIFF) et de la prestation de clôture et de l'exposé de Jay Mandarino et ses bénévoles. De nombreux ateliers ont attiré les larmes chez les congressistes qui ont pris conscience des défis et des réponses bienveillantes aux besoins de nos jeunes en difficulté et, dans bien des cas, à risque. Enfin, le député Anthony Housefather a profité de son déjeuner-conférence pour défier les congressistes de s'impliquer dans le processus législatif; à en juger par la réponse, il a touché une corde sensible. Nous tenons à remercier tous les conférenciers et les conférencières à ce congrès.

En terminant, je dois mentionner et féliciter nos lauréats des prix de l'ACJP. John Boy s'est vu remettre le premier *Prix Willie Gibbs pour l'ensemble de ses réalisations* au cours de nombreuses décennies de service à l'Association canadienne de justice pénale (ACJP). En effet, ce prix reconnaît John comme une légende vivante au sein de l'ACJP. Christopher Schneider, Ph.D., a reçu le *Prix d'éducation du public* en reconnaissance de ses efforts considérables pour renseigner le public sur les questions de justice pénale. Le *Prix Antony Holland* a été décerné à William Head sur scène pour avoir démontré la valeur du théâtre pour la justice pénale et à la réadaptation.

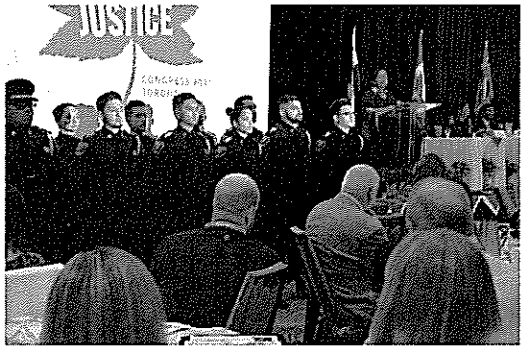
Au moment où le Congrès 2017 a pris fin, nous avons annoncé que le Congrès 2019 se tiendrait à Québec et serait organisé conjointement avec nos collègues de la Société de criminologie du Québec. L'événement se déroulera du 5 au 9 novembre 2019 à l'hôtel le Concorde, sur l'historique Grande Allée et à quelques pas du Vieux-Québec. J'espère y retrouver bon nombre d'entre vous. ■

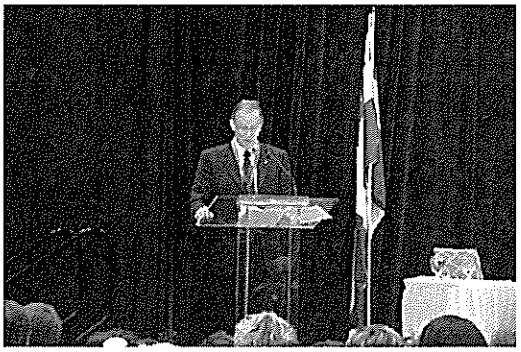
CANADIAN YOUTH & JUSTICE CONGRESS 2017 – ADVANCING IDEAS, EVIDENCE AND INNOVATION

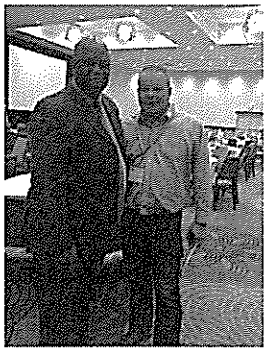
CONGRESS HIGHLIGHTS

BY NANCY WRIGHT, Editor

PHOTO CREDIT: MCYS, Staff Training & Development Unit



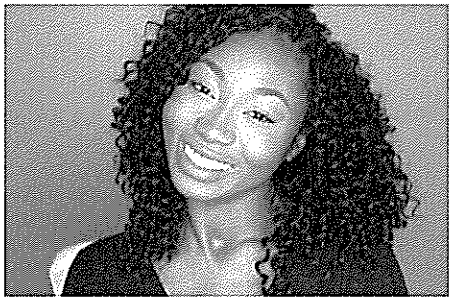




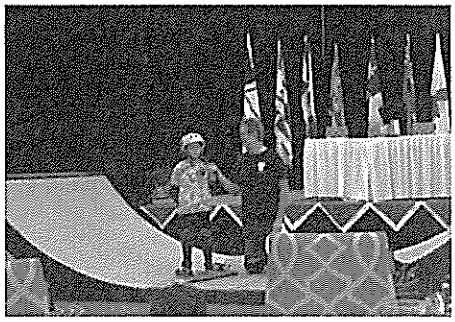
A tremendous turnout graced the 36th Canadian Congress at Sheraton Centre Toronto Hotel, October 24-27. Organized by the Ontario Criminal Justice Association (OCJA) in partnership with the CCJA and the Ontario Ministry of Children and Youth Services, this congress took a bold step forward by focussing attention on youth and justice rather than youth and crime. This contextual reframing is deemed critically important given the evidenced relationship of crime to poverty, marginalization, hopelessness & despair, and racism. The innovative theme evidenced a shift from crime-centric to social-justice approaches for youth.

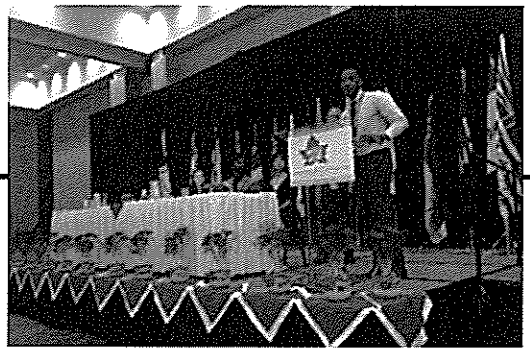
LEFT: National Anthem Performer VANESSA FORGUE

RIGHT: Students in the Royal Conservatory of Music Quartet



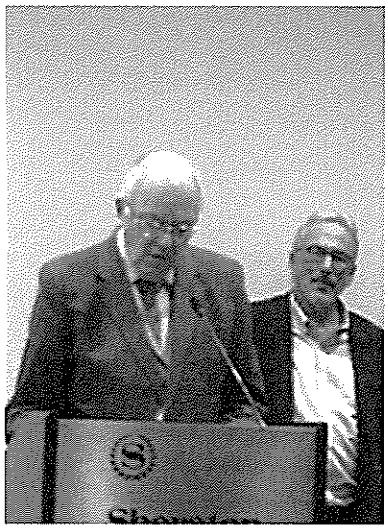
Within the broad framework of Youth & Justice, Congress presenters and keynotes stressed, among other, the role of collaboration and national and international comparative approaches across the youth-justice, mental-health, and addictions sectors to grow evidence-based policy and practice that will bring about systemic change for youth by circumventing radicalization, gang-involvement, human trafficking, and sexual violence in the sex industry through community partnerships and involvement with at-risk youth.





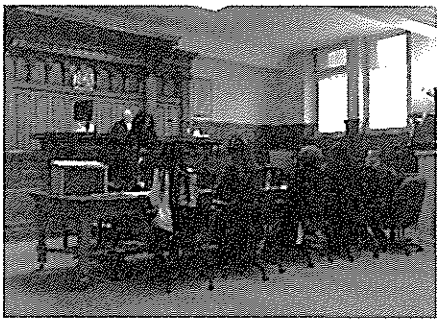
Other timely topics, among many more, included the lived impact of cyber-bullying, the involvement of youth crossing over from the child welfare system to the justice system, the importance of community junctions between youth, police and probation, the perceived impact of law changes on cannabis, the Niagara Youth Court Screening Initiative, etc.

Presentations reported on the need for effective programming to reduce risk and promote positive outcomes for youth offenders now being diverted from the court system under the YCJA-which has led in Ontario to a substantially lower youth crime rate (43%) and an 83% decrease in custody admissions since 2003-and for young adults in federal custody.



JOHN BRAITHWAITE
Recipient of CCJA's
THE WILLIE GIBBS LIFETIME
ACHIEVEMENT AWARD

DR. CHRISTOPHER J. SCHNEIDER
Recipient of CCJA's
PUBLIC EDUCATION AWARD

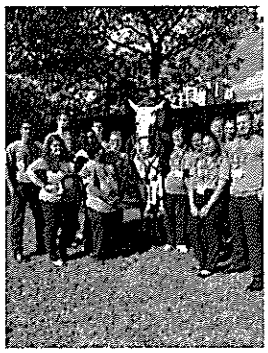


Ontario's Centennial College students demonstrated the Mock Court experiential approach to learning by conducting a portion of a mock trial presided over by the Honourable Justice David P. Cole, who provided a debriefing that offered valuable advice and insight to these justice leaders of the future!

The special events also included a photo and question opportunity with Toronto Police Mounted Unit!

CANADIAN YOUTH & JUSTICE CONGRESS 2017 – ADVANCING IDEAS, EVIDENCE AND INNOVATION

The Robb Nash Project added a musical flair and gave attendees a view of how Robb's presentations at schools, reservations and detention centres across Canada are making a difference in the lives of troubled youth. Nash's philosophy scoffs at the adage that one must hit rock bottom to rise up.



This exciting and ground-breaking congress on youth and justice in Canada was the 36th such event for the Canadian Criminal Justice Association, which has been serving Canadians since 1919. More news on these issues will be available in the coming weeks on www.ocja.ca and www.ccja-acjp.ca along with various presentations from this highly successful Congress at which almost 700 people convened in Toronto to deliberate on the issue of youth and justice.

Certain presentations are available at:

Vous trouverez certains des exposés au:

www.ccja-acjp.ca/pub/en/past-events/congress-2017-canadian-youth-justice-presentations/

RÉSUMÉ

Le Congrès 2017 : la jeunesse et la justice au Canada – contribuer à l'avancement des idées, des données probantes et de l'innovation

Le 36e congrès canadien de justice pénale a connu un fort taux de participation au Sheraton Centre Hotel de Toronto, du 24 au 27 octobre dernier. Cet événement a été organisé par l'Association de justice pénale de l'Ontario (AJPO) en partenariat avec l' ACJP et le ministère des Services à l'enfance et à la jeunesse de l'Ontario. Ce congrès a fait un pas en avant en concentrant l'attention sur les jeunes et la justice plutôt que sur la jeunesse et la criminalité. Ce recadrage contextuel est jugé comme crucial, compte tenu de la relation établie entre la criminalité et la pauvreté, la marginalisation, la désespérance et le désespoir et le racisme. Ce thème novateur témoignait d'une transition des approches axées sur la criminalité vers la justice sociale pour les jeunes. Les pages précédentes résument quelques points saillants du congrès.

CCJA INTERVIEW WITH CENTENNIAL COLLEGE'S MOCK COURT

Ontario's Centennial College students demonstrated the Mock Court experiential approach to learning by conducting a portion of a mock trial presided over by the Honourable Justice David P. Cole, who provided a debriefing that offered valuable advice and insight to these justice leaders of the future! This interview was conducted pre- and post-Congress.

◆ The Centennial College (CC) Mock Court initiative is quite a unique concept for a college, when and how did it come about for Centennial College?

JUDY*: For many years, Centennial College has endeavoured to bring students from different programs together because their professional paths also cross in the real world. The Mock Court experience presented an opportunity to bring together three of our justice & law programs to give students the opportunity to learn from each other about their respective professions. The Mock Court at Old City Hall held as part of the CCJA Youth and Justice Congress marks the first time that CC's mock court has featured a full collaboration between our Police Foundations, Paralegal, and Community & Justice Services students. It is also the first time that this collaboration has extended beyond the walls of Centennial College.

**Judy Hermann - Program Coordinator/Professor - Community & Justice Services Program.*

◆ Could you briefly describe the benefits of experiential learning within a framework of Mock Court?

JUDY: When students choose a profession and then sign up for a college program that trains and prepares them for that profession, they surround themselves with like-minded students who have similar professional goals and often-similar motivations behind choosing that profession. They are thus not necessarily exposed to the roles and responsibilities of other professionals they will encounter in their day-to-day job interactions. Preparing for an event such as the Mock Court gives students the opportunity to meet and interact with other students with whom they may otherwise never have had any dealings at school, but may well meet once they are working in their respective fields. Having met in college and working together on such a project creates a connection between students, and they will carry this into the work place. This translates into an increased a sense of camaraderie and respect for each other's roles in that work place. Experiential learning or Inter-professional

educational experiences are incredibly impactful and meaningful to students. It's hands-on learning which cannot simply be replicated through lecture or from a textbook, and it's what colleges do best.

STUDENT(S) PARTICIPATING IN THE MOCK COURT AS CROWN ATTORNEYS

◆ **In regard to the coaching comments of Justice David Cole following the proceedings, what was the most important lesson you learned as a Crown Attorney during the Mock Court held at Old City Hall?**

AMEERAH GAIED: Judge Cole's post-proceeding commentary was very useful in that he reminded us that no matter how much you prepare, prepare, prepare, the trial will never go exactly as you expect. It is incumbent on us legal professionals to be prepared, but we also have to think quickly on our feet and be ready to answer whatever curve ball is thrown our way, which is a skill I think this mock trial nurtured.

DANEVE MASON: I have learned that when it comes to court one cannot be overly prepared. One must be ready to answer the unexpected. It is very important for both the crown and defense to present a strong case of facts and be determined to prove their point, and being clear and concise helps one do that.

EDWARD CHAN: It was a great privilege to have been a part of the mock trial since students in Police Foundations program may not be involved in a real courtroom until they are on the job. Playing the role of a crown attorney, I had the duty of interviewing the arresting police officer–which gave me a rare opportunity to view a trial from another perspective.

◆ **You are completing an internship at an immigration law firm, how did the Mock Court experience help you in this?**

AMEERAH GAIED: I think the crux of being a successful advocate is believing the arguments that you are putting forward. It becomes easy to persuade others to share your position when you are passionate. Immigration Law and Criminal Law may seem dichotomous; however, this mock trial made me realize they are similar in their core principals, advocating on behalf of a client whose life, liberty and freedom may be in your hands. And whether I am drafting an Immigration or Citizenship submission letter or presenting an opening statement for a criminal trial, this colossal onus creates an immense passion in me to be the best advocate I can be.

STUDENT(S) PARTICIPATING IN THE MOCK COURT AS DEFENSE ATTORNEYS

◆ **In regard to the Justice David Cole's debriefing following the proceedings, what was the most important lesson (for you) of the Mock Court at Old City Hall?**

CHELSEA ALEXANDER: The most important lessons I learned from Justice Cole is to always deliver your statements and questions with confidence and to reflect deeply on what questions to ask the victim, because as a defence lawyer if you ask the wrong question or state the facts wrong it can easily work in the crown's favour.

STUDENT(S) PARTICIPATING IN THE MOCK COURT AS COURT CLERK

◆ **Could you share your thoughts on the strengths of the Mock Court learning initiative at Centennial College?**

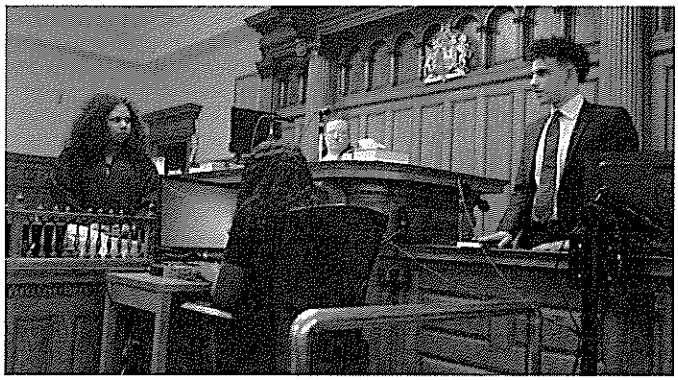
KRYSTAL LEE KAM*: As a student in the Community and Justice Service Program, I am learning about the law as it pertains to both adults and youth within the justice system. I am lucky to have an opportunity to be lectured by professors who have been and still are in the field. The Mock Court learning initiative presented not only an opportunity to learn how the court system works, but a very personal opportunity to work on public speaking. Doing the Mock Court in a real court room was exciting. The preparation work done beforehand was well worth that moment. The support I had from my professors was tremendous. I appreciated this whole experience.

**Placement Assistant: Senior Class Peer Leader.* ■

RÉSUMÉ

Un entretien de l'ACJP avec les participants au tribunal-école du Centennial College

Les étudiants du Centennial College de l'Ontario ont fait la démonstration de l'apprentissage en présentant une partie de procès dans le cadre d'un tribunal-école présidé par l'honorable juge David P. Cole. Celui-ci a fourni un compte-rendu qui offrait de précieux conseils et permettait à ces futurs leaders de la justice d'acquérir un certain niveau d'introspection! Cet interview a été mené avant et après le Congrès.



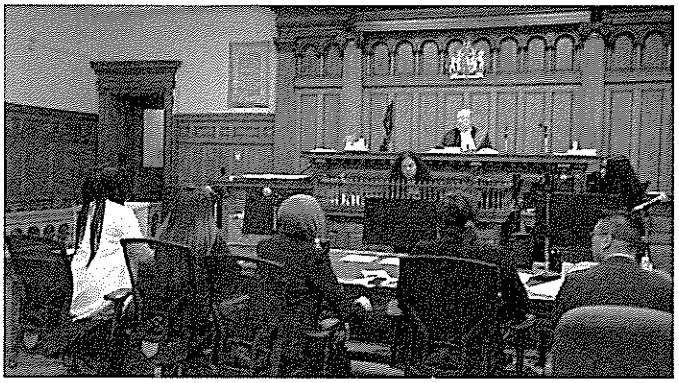


PHOTO CREDIT: Centennial College Videography

PHOTO CREDIT (COVER): Judy Hermann, Program Coordinator/Professor, Community & Justice Services Program, Centennial College

MANITOBA CRIMINAL JUSTICE ASSOCIATION (MCJA)

Annual Crime Prevention Breakfast 2017: Refugees and Immigrants

MIKE COOK
BA, LLB, President of the MCJA

November is Crime Prevention month in Manitoba. The MCJA recognizes this Provincial Proclamation each year by hosting our Annual Crime Prevention Breakfast (CPB) in early November. This year's topic was very timely and relevant for all Canadian citizens, Refugees, and Immigrants. This year, once again, we congregated at the beautiful Fort Garry Hotel in downtown Winnipeg for the event. The hotel is in Treaty One Territory, the traditional lands of the Anishinaabe, Cree and Dakota peoples and homeland of the Métis nation.

The MCJA Board sponsors this yearly event to present issues of significant importance to the people of Manitoba. The topic often carries greater national or international implications. The most recent topics have included Addictions and the Fentanyl Crisis, Countering Violent Extremism, Missing and Murdered Indigenous Women and Girls, and Mental Health Court. The event attracts Judges from all three levels of our courts, the Public Prosecution Service of Canada, the Provincial Crowns office, RCMP, Winnipeg Police Service, Canadian Border Services, Correction Services of Canada, Provincial Corrections, parole officers, probation officers, defence counsel, residential treatment service providers, social workers, medical doctors, psychologists, concerned citizens and numerous other agencies and individuals.

The day was comprised of a morning session with breakfast and the Keynote speaker address followed by an all-day workshop during which we heard again from our Keynote speaker as well as esteemed panelists and speakers from across the country and Manitoba to address the theme topic. Our programs are very well received and attended and our CPB traditionally seats about 300 people.

This year's topic was very timely and relevant for all Canadian citizens, Refugees and Immigrants.

Emerson, Manitoba is a beautiful little town along the United States/Canada border. It is the gateway for citizens and vacationers traveling in and out of our province. In the last year, Emerson has emerged as one of the busiest points along the international border for refugees from around the globe seeking asylum. Some refugees pass through the controlled border station while others cross over the international boundary through open fields and on railroad tracks.

The resources at Canada Border Services have been overwhelmed, as too has provincial RCMP. The Manitoba government has set up processing stations to try to help each individual as they enter our country. The challenges are immense. We deal with language issues, foreign travel documentation, lack of travel papers, emotional concerns, hunger, dehydration, and severe hypothermia and frost bite. Each individual is welcomed by our Federal and Provincial government representatives and processed as quickly as is possible.

Manitobans are confronted daily with information about the plight of refugees in our province; it's in our newspapers and on our news stations. The flow of those seeking asylum and settlement in Manitoba is unprecedented. This issue was thus a natural choice for this year's CPB. We wanted to learn-and to teach all attendees more about this phenomenon.

The plethora of presenters allowed us to approach this topic from many vantage points and to learn about the process from the trained personnel who assist people immigrating to Canada at every step of their journey. The breadth of our workshop went from why one seeks asylum and how one travels here and gets admitted, to what are the risks in coming to a new land, what support is needed and what we as Canadians can do to help in this process.

The RCMP and CBS told us about the initial hands-on interaction with the newcomers, how and where they arrive in the country and the way some circumvent regular processing at the border. Once these newcomers are safely in our care, background checks must be done, medical staff must attend to their personal needs, and Immigration personnel must process each application with the aid of translators. Once the formal part of the transition has been done, social service departments must arrange accommodation for hundreds of refugees.

They need good food and appropriate new clothing before being conveyed to larger centers like Winnipeg. Once in their new town or city, financial matters have to be addressed, jobs found, and proper housing secured. Many will require meetings with counsellors and health professionals to address their physical and emotional needs. Schooling must be arranged for the children and language classes for adults in many cases. Much work remains. The CPB succeeded in planning a plenary schedule of presenters to address every facet of the process.

The itinerary for the day was busy and detailed. We hope to create a complete annotated timeline on how to help refugees coming to Canada to start a new life, a life based on good advice and a commitment to have each individual succeed and become an important contributing member to the social fabric of our nation.

The people who help the refugees are saving lives. Through our Crime Prevention breakfast, the MCJA attempted to teach every attendee how this is done. We urge you to contact the MCJA with any questions about the workshop and MCJA Annual Crime Prevention Breakfast in 2017 held on November 9 at Manitoba's Fort Garry Hotel in Winnipeg. ■

RÉSUMÉ

MCJA Annual Crime Prevention Breakfast 2017: Refugees and Immigrants

MIKE COOK, président de l'Association de justice pénale du Manitoba (AJPM)

Novembre est le mois de la prévention du crime au Manitoba. Le MCJA reconnaît cette proclamation provinciale chaque année en organisant son petit déjeuner annuel de prévention du crime (PDPC) au début de novembre. Le sujet de cette année était très opportun et pertinent pour tous les citoyens canadiens, en l'occurrence les réfugiés et les immigrants. Cette année encore, nous nous sommes réunis au magnifique hôtel Fort Garry, au centre-ville de Winnipeg, pour l'événement. L'hôtel est situé sur le territoire couvert par le Traité no1, soit les terres traditionnelles des peuples anishinaabeg, cris et Dakota et la patrie de la Nation métisse.

MANITOBA CRIMINAL JUSTICE ASSOCIATION'S
Evening with Joe Roberts

MIKE COOK
BA, LLB, President of the MCJA

The MCJA is constitutionally mandated to educate the public about crime, trends in crime, suppression of criminal activity and responses to current trends affecting the Criminal Justice system. One of the ways we accomplish our mission is to sponsor evening educational sessions, which we commonly refer to as our Speaker Series evenings. We were extremely pleased to present one such evening on June 8, 2017 at the historic University of Winnipeg. Our speaker that nite was Mr. Joe Roberts.

HOMELESSNESS IS A PERVASIVE AND GLOBAL PROBLEM

Winnipeg is home to hundreds of people who live on the streets in abject poverty and struggle to live one day at a time. These lost souls do not look to the future; they look to their next meal or, unfortunately, to their next high or binge. The homeless impose a great strain on police and medical resources. Although the problem is quite prevalent, understanding how one comes to end up on the street is not so well understood. How one can rise from the streets, rejoin society, and thrive is even harder to understand. The MCJA wanted to share an evening with a man who conquered the streets and rejoined civilization when death was the next step in his life.

Joe Roberts looked like an ordinary business man wearing casual wear. He was the prototypical image we see hundreds of times each month in our daily travels, but then he took the podium. His story was anything but commonplace. He first spoke about his childhood, which sounded pretty well-adjusted and ideal. Things changed, however, when he got to his teenage years. Through external factors, and bad personal choices, Joe ended up living on the streets of East Vancouver. This area of our country is one of the most dangerous and heartbreaking regions imaginable. The streets are filled with persons of all ages and backgrounds with addiction problems, mental health concerns and tragic life stories. Joe was homeless, with a heroin addiction and quickly approaching an early death. That Joe bore no resemblance to the articulate warm man who stood before us.

JOE'S MOM WAS INSTRUMENTAL IN TEARING HIM FROM THE STREETS

Once he returned to his mom's home in Ontario his daily surroundings had changed much for the better, but he was still very much a broken young man. His narrative unfolded in this way until one evening he was in the process of taking his own life in his bedroom and his frantic mom summoned the Ontario Police to prevent the loaded handgun in his mouth from spilling out his life. The officer was able not only to take the gun from Joe, but he also extended the hand that helped Joe rise from his then-life and start to rebuild a good life, a great life.

Joe Roberts

JOE WENT BACK TO SCHOOL, EARNED A BUSINESS DEGREE, STARTED A BUSINESS AND ATTAINED HUGE SUCCESS IN THE BUSINESS WORLD

Joe did not forget his former friends on the streets of East Vancouver and all the other similar neighborhoods across Canada. Joe became the philanthropist who stood before us, a man of wealth and compassion. He was on day 404 of 517 pushing a shopping cart across Canada doing what he calls his Push for Change. He is a media star with a great heart and so willing to help those who are currently living his old life. Joe's story is one of overcoming huge personal and social problems, letting others pull you up with their love and hope and becoming a beacon of hope for others to follow.

Thank you, Joe Roberts, for all you do. ■

RÉSUMÉ

MCJA Speaker Series
Push for Change with Joe Roberts

MIKE COOK, président de l'Association de justice pénale du Manitoba (AJPM)

L'AJPM est constitutionnellement mandatée pour éduquer le public sur la criminalité, les tendances de la criminalité, la répression de l'activité criminelle et les réponses aux tendances actuelles affectant le système de justice pénale. Nous réalisons notre mission notamment en commanditant des séances éducatives de soir, que nous appelons communément nos soirées-conférences. Nous avons été extrêmement heureux de présenter une telle soirée le 8 juin 2017 à l'Université historique de Winnipeg. Notre conférencier ce soir-là était M. Joe Roberts.

CCJA POLICY REVIEW COMMITTEE, SUMMER 2017

Intoxication, Sex, and Capacity to Consent

FRANÇOIS BOILLAT-MADFOUNY
Graduate Student, Criminal Law – CCJA Intern, Summer 2017

This short article by François Boillat-Madfouny, a criminal law graduate student and member of the CCJA Policy Review Committee, focuses on sexual assaults and severe intoxication. The author notes a distinction between factual consent and legal consent. Within this framework, Boillat-Madfouny explores a perceived justice gap for intoxicated sexual assault victims and proposes statutory changes. Boillat-Madfouny points out that Bill C-51, which aims to clarify certain provisions of the Criminal Code relating to sexual assault, is a missed opportunity for meaningful reform since the question of intoxication and legal capacity to consent is not being tackled.

Veuillez voir page 20 pour la version française de cet article.

Is a person's consent to sex valid regardless of their state of intoxication? Let's take the example of Sarah[1], a 19-year-old university freshman who decides she deserves to party tonight. After heavily pre-drinking with her girlfriends at her apartment, they all go to the neighbour's house party, where she again consumes great amounts of alcohol. At one point, she loses control, can barely walk and is very confused. Eric, another guest, spots Sarah the moment she walks into the house. He notices she is already very drunk and thinks to himself something might happen between the two given her state. During the evening, he always makes sure Sarah's glass is full and constantly invites her to play drinking games. At one point, Eric notices that she is extremely intoxicated, and decides *this is it*; he approaches her, talks to her (quite difficult given her state) and leads her to one of the rooms upstairs. She falls four or five times on the way up. After inviting her to sit on the bed, he starts kissing and groping her. Sarah does not say no, yet is not passive; her physical affirmative response to Eric's actions corresponds to the definition of consent under Canadian criminal law. They have full intercourse. The next day, Sarah wakes up in the same room, and has no recollection whatsoever of what happened. She has no idea who the person beside her is and understands from the lack of clothing that something clearly happened last night.

Was Sarah sexually assaulted? She consented, right?

CURRENT LAW: FACTUAL CONSENT VS LEGAL INCAPACITY TO CONSENT

The *actus reus* of the offense of sexual assault is absence of consent. Canadian criminal law is based on affirmative consent [2]. This voluntary agreement must be expressed, explicit and unambiguous and implies agreement to a specific sexual activity, at a specific time, with a specific person. It is revocable and can be communicated verbally or physically. This affirmative consent standard hence implies that passivity cannot equate consent[3], regardless of the complainant's state of intoxication.

On the other hand, a *factual* affirmative consent can, theoretically, be deemed invalid if the complainant was so intoxicated that she was *incapable* of consenting[4]. In other words, even though a complainant may have *factually* consented to sex under the Canadian affirmative consent standard, her consent may be invalid due to her *legal* incapacity to consent.

The *mens rea* of sexual assault contains two elements: intention to touch and knowing of, or being reckless of or wilfully blind to, a lack of consent on the part of the person touched"[5]. A defendant will not have the required *mens rea* element if he honestly believed the complainant was communicating her voluntary consent to sex. This belief cannot be based on a mistake of law[6].

JUSTICE GAP

Obtaining a conviction in sexual assault cases of intoxicated complainants is extremely difficult. Complainants who were heavily intoxicated at the time of the events have trouble obtaining justice[7]. To be considered *incapable* of consenting due to intoxication requires a very high level of intoxication. Courts have indeed generally found that incapacity can only be concluded when the complainant was either unconscious or quasi-unconscious. However, we humbly point out that there may be situations in which individuals are not intoxicated to the point of being unconscious, yet are too intoxicated to be giving a valid consent to participate in sexual interactions. This could be argued in the case of Sarah.

Some reasons for this gap include victim-blaming. Women who have *voluntarily* intoxicated themselves are often blamed for their risky behavior and consequently are said to be responsible for whatever happens. On the other hand, the blameworthiness of the perpetrator is reduced under the logic that his ability to understand if the complainant was consenting or not was diminished, even though the *Criminal Code* explicitly excludes such a defence[8]. This double standard is not without consequences. It affects the peace officer's taking of the complaint, the prosecutor's willingness - and ability- to prosecute, and the jury's or judge decision to declare the defendant guilty or not. This is notwithstanding the fact that since most sexual assault cases occur between acquaintances, most are "he-said-she-said" cases for which the only evidence available is the complaint's testimony, which will be strongly discredited if she was severely intoxicated. Given the Crown's heavy burden of proof, sexual assault cases of intoxicated complainants are hence extremely difficult to win.

STATUTORY REFORM

Any reform regarding the consent of severely intoxicated victims should, inter alia, take into account the following key issues: determining the level of intoxication over which consent is invalid (and how to evaluate it), finding a balance between positive sexual autonomy (freedom to decide if and when one has sex) and negative sexual autonomy (ability to refuse to have sex), deciding if criminalization is the appropriate tool (morality vs. criminality) and deciding the blameworthiness of a perpetrator who was also severely intoxicated[9]. To close this justice gap, Parliament could redefine incapacity to consent as "inability to give *informed* consent"[10]. It could also propose evidentiary reform, explicitly excluding any evidence relating to the *voluntariness* of the complainant's intoxication. It could finally clarify how the defense of mistaken belief (273.2 *Crim. C.*) applies when the complainant was so intoxicated that her *legal* consent was invalid. More specifically, it must clarify if the accused can be held for failing to determine whether or not the complainant was *capable* of consenting and,if so, whether his self-induced intoxication can be used it exonerate him from this responsibility.

CONCLUSION

In order to prevent assaults by perpetrators like Eric who think their behavior is not blameworthy, the current criminal law regime regarding the consent of intoxicated complainants may need to be rethought. Parliament is currently analysing Bill C-51 , which, inter alia, aims to clarify certain provisions of the Code relating to sexual assault. We feel that this is a missed opportunity for meaningful reform since the question of intoxication and capacity to consent, unfortunately, is not being tackled. Severely intoxicated individuals are vulnerable to those who would intentionally take advantage of vulnerability for personal gain. In this context, we believe that criminal law reform can be an effective and appropriate tool to curb morally blameworthy behaviour when properly tailored and highly publicized. ■

1. This article uses gendered terms for two purposes: to lighten the text and to illustrate the fact that most sexual offenders are men and most sexual victims are women. However, we are aware that sexual assaults can occur regardless of the number, gender or sexual orientation of those involved.

2. *Criminal Code*, s. 273.1 (1); *R. v. Ewanchuck*, [1999] 1 S.C.R. 330.

3. For a more detailed analysis of current sexual assault Canadian criminal law, see Lucinda Vandervort, "Affirmative Sexual Consent in Canadian Law, Jurisprudence and Legal Theory", 23 Colum. J. Gender & L. 395 (2012); Janine Benedet, "Sexual Assault Cases at the Alberta Court of Appeal: The Roots of Ewanchuk and the Unfinished Revolution", 52: 1 Alta. L. Rev. 127 (2014); Joanne Wright, "Consent and Sexual Violence in Canadian Public Discourse: Reflections on Ewanchuk", 16 Can. J. L. & Soc. 173 (2001).

4. *Cr. c.*, s. 273.1 (2) b).

5. *R. v. Ewanchuk*, [1999] 1 S.C.R. 330 at para. 42.

6. *Id.*

7. For more on these issues, please see Anne Topping, "The 'Blurred Lines' of Capacity to Consent in Rape", 4 N.E. L. Rev. 72 (2016); Lise Gotell, "Rethinking Affirmative Consent in Canadian Sexual Assault Law: Neoliberal Sexual Subjects and Risky Women", 41 Akron L. Rev. 865 (2008); Lucinda Vandervort, "Affirmative Sexual Consent in Canadian Law, Jurisprudence and Legal Theory", 23 Colum. J. Gender & L. 395 (2012). We must also stress that severely intoxicated complainants are not the only victims who have trouble obtaining justice. The criminal justice system seems to be increasingly incapable of delivering justice for sexual assault complainants in general, regardless of their level of intoxication.

8. *Cr. C.* s. 273.2 (a) i).

9. For an analysis of the situation where both the complainant and the defendant were severely intoxicated, please see Michael Scott, "Jake and Josie Get Drunk and Hook up: An Exploration of Mutual Intoxication and Sexual Assault", 54 Alta. L. Rev. 1039 (2017).

10. Galina Razumovsky, "Through a glass emptied: countering bias against intoxicated victims of sexual predation, 5 J. Race Gender

11. Bill C-51 was introduced on June 6th, 2017 by sponsor Jody Wilson-Raybould, the Vancouver Granville MP, British Columbia. It received second reading on June 15th, 2017, before being deferred to the Standing Committee of Justice and Human Rights.

JUSTICE

ACTUALITÉS - REPORT

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33.2

WOMEN AND CRIMINAL JUSTICE IN CANADA

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Please send articles, questions or comments to the Editor, Nancy Wright, at ccjapubsacjp@gmail.com

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COMITÉ D'EXAMEN DES POLITIQUES DE L'ACJP, ÉTÉ 2017

Intoxication, sexe et capacité de consentement

FRANÇOIS BOILLAT-MADFOUNY
Étudiant à la maîtrise en droit criminel – stagiaire ACJP, été 2017

Ce court article a été rédigé par François Boillat-Madfouny, étudiant à la maîtrise en droit criminel et membre du Comité d'examen des politiques de l'ACJP. S'intéressant aux agressions sexuelles de personnes sévèrement intoxiquées, l'auteur fait une distinction entre un consentement factuellement valide, et ce qui devrait être considéré comme un consentement légalement valide. Il constate que les victimes fortement intoxiquées ont de la difficulté à obtenir justice, explore les différentes raisons pouvant expliquer ce déni de justice et propose quelques réformes législatives. Boillat-Madfouny note que le projet de loi C-51, qui clarifie certaines dispositions du Code criminel relatives à l'agression sexuelle, aurait été une belle opportunité pour le législateur fédéral de proposer des réformes significatives en matière d'agression sexuelle, surtout à l'égard de la validité légale du consentement d'une personne fortement intoxiquée.

Une personne peut-elle validement consentir à une activité sexuelle indépendamment de son état d'intoxication? Prenons l'exemple de Sarah[1], une jeune universitaire de première année qui décide qu'elle mérite de célébrer ce soir. En compagnie de quelques amies, elle consomme plusieurs verres d'alcool à son appartement, avant d'aller à une fête organisée chez son voisin. Sarah y consomme également une grande quantité d'alcool, au point d'éventuellement perdre contrôle; elle peine à marcher et est très confuse. Éric, un des invités présents à la fête, avait remarqué Sarah dès son arrivée. Il avait constaté qu'elle était déjà très intoxiquée, et s'était dit que vu son état, il y aurait plus de chances qu'il se passe quelque chose entre les deux. Au courant de la soirée, il s'assure toujours que le verre de Sarah est bien rempli et l'invite constamment à participer aux nombreux jeux d'alcool qui s'y jouent. Éventuellement, Éric remarque Sarah un peu à l'écart et constate qu'elle est sévèrement intoxiquée. Il en profite pour s'approcher. Les deux jasent un peu (bien que la conversation ne soit pas facile vu l'état d'intoxication de Sarah), avant qu'Éric ne la mène vers une des chambres au deuxième étage. Elle trébuche à plusieurs reprises en montant les marches. Après l'avoir invitée à s'asseoir sur le lit, Éric commence à l'embrasser, et à lui faire des attouchements. Sarah n'exprime pas de refus verbal ou physique, mais n'est pas passive; elle participe à l'activité de sorte que ses agissements correspondent à la définition de consentement en droit criminel canadien (voir ci-dessous). Ils ont une relation sexuelle complète. Le lendemain matin, Sarah se réveille, chamboulée, sur le même lit. Elle ne se rappelle rien de la veille et ne connaît pas du tout la personne qui est à ses côtés. Complètement déshabillée, elle comprend alors qu'il s'est passé quelque chose.

Sarah a-t-elle été victime d'agression sexuelle? Elle a consenti, non?

ÉTAT DU DROIT : CONSENTEMENT FACTUEL ET INCAPACITÉ LÉGALE DE CONSENTIR

L'*actus reus* de l'infraction d'agression sexuelle est l'absence de consentement. Le droit criminel canadien est basé sur un consentement affirmatif[2]. L'accord volontaire de participer à l'activité sexuelle spécifique doit être exprès, explicite et sans équivoque. Le consentement est révocable et doit être communiqué verbalement ou physiquement. La passivité de la plaignante n'équivaut pas à un consentement, peu importe son niveau d'intoxication[3].

D'un autre côté, un consentement *factuel* peut, théoriquement, être invalidé si la plaignante était incapable de la donner[4]. Dit autrement, même si une plaignante a *factuellement* consenti selon le droit criminel canadien, son consentement peut être invalidé si elle était *légalement* incapable de la donner.

Quant à elle, la *mens rea* de l'infraction contient deux éléments : « l'intention de se livrer à des attouchements sur une personne et la connaissance de son absence de consentement ou l'insouciance ou l'aveuglement volontaire à cet égard» .[5] Un accusé n'aura pas l'esprit coupable requis s'il croyait sincèrement que la plaignante lui communiquait son accord volontaire de participer à l'activité sexuelle. Cette croyance ne peut être fondée sur une erreur de droit[6].

DÉNI DE JUSTICE

Obtenir une condamnation dans les dossiers d'agression sexuelle impliquant des victimes sévèrement intoxiquées est extrêmement difficile.

Notre système de justice permet difficilement aux plaignantes d'agression sexuelle d'obtenir justice[7] si elles étaient sévèrement intoxiquées au moment des faits[8]. En effet, afin qu'une telle plaignante soit considérée comme ayant été *incapable* de consentir en raison de son intoxication volontaire, les tribunaux semblent exiger un niveau d'intoxication particulièrement élevé. Généralement, seules les plaignantes ayant été inconscientes ou quasi-inconscientes sont considérées comme étant suffisamment *incapables* de consentir au sens du *Code criminel*. Toutefois, nous estimons humblement qu'il y a des situations dans lesquelles les plaignantes sont trop intoxiquées pour pouvoir donner un véritable consentement, sans toutefois frôler l'inconscience. Certains pourraient argumenter que telle était la situation de Sarah.

Plusieurs raisons contribuent à ce déni de justice. D'un côté, on a tendance à blâmer la victime pour avoir *volontairement* décidé de s'intoxiquer. L'argument veut que, par son "imprudence", elle soit responsable pour ce qui lui est arrivé. D'un autre côté, bien que le *Code criminel* l'interdise explicitement, la preuve de l'intoxication de l'offenseur est indirectement utilisée pour le pardonner sous la logique qu'il était probablement moins capable de déterminer si la plaignante consentait ou était capable de consentir. Ce double standard n'est pas sans conséquence et se perpétue chez les policiers qui prennent les plaintes, les procureurs qui décident de déposer des accusations, et les juges et jurés qui doivent déterminer la culpabilité ou non des accusés. En outre, puisque la majorité des cas d'agressions sexuelles ont lieu entre connaissances, le témoignage de la plaignante quant à l'absence de consentement est souvent la seule preuve disponible. Or, vu qu'elle était fortement intoxiquée lors des événements, sa crédibilité en sera fortement affectée, et la possibilité de condamnation fortement réduite vu le fardeau de preuve important de la poursuite.

RÉFORMES LÉGISLATIVES

Nous proposons qu'il soit temps de clarifier certaines des règles en matière d'agression sexuelle lorsque la plaignante, et parfois aussi l'accusé, sont fortement intoxiqués. Toute réforme devra tenter d'atteindre, entre autres choses, les objectifs suivants: déterminer le niveau d'intoxication au-dessus duquel le consentement n'est pas légalement valide (et comment l'évaluer), trouver un équilibre entre l'autonomie sexuelle positive (droit de décider si et quand j'ai une relation sexuelle) et l'autonomie sexuelle négative (capacité de refuser d'avoir une relation sexuelle), décider si la criminalisation est l'outil approprié dans les circonstances (moralité vs criminalité) et établir la responsabilité pénale de l'accusé qui était également fortement intoxiqué[9].

À ces fins, le législateur pourrait tout d'abord tenter de définir l'incapacité, par exemple en explicitant qu'un consentement doit être « informé »[10]. Il pourrait également réformer les règles de preuve, en rendant inadmissible toute preuve relative

au caractère *volontaire* de l'intoxication de la preuve de plaignante. Finalement, le législateur doit clarifier comment la défense de croyance erronée s'applique lorsque la plaignante était si intoxiquée que sa capacité de consentir s'était évaporée. Plus spécifiquement, il pourrait clarifier dans quelle mesure l'accusé aurait dû chercher à savoir si la plaignante était *capable* de consentir et si le fait qu'il fût intoxiqué peut être utilisé pour se déresponsabiliser de ce devoir, le cas échéant.

CONCLUSION

Bref, afin d'éviter que des individus comme Éric pensent que leur comportement n'est pas moralement reprochable, le droit criminel peut être utilisé, conjugué à des campagnes de sensibilisation populaire. Le projet de loi C-51, présentement sous étude[11], s'intéresse au régime d'agression sexuelle et tente de clarifier certaines règles développées en jurisprudence. Il aurait été souhaitable que les rédacteurs s'intéressent à la question du consentement des personnes fortement intoxiquées, comme l'était Sarah. Ces dernières sont très vulnérables face à certains individus qui cherchent à intentionnellement profiter de leur état à des fins personnelles. Dans ce contexte, clarifier et sensibiliser le public quant à la nature criminelle de comportements moralement blâmables peut contribuer à les prévenir. ■

1. Cet article utilisera des termes genrés afin d'alléger le texte et afin d'illustrer le fait que la plupart des agressions sexuelles sont commises par des hommes à l'endroit de femmes. L'auteur est toutefois bien conscient qu'une agression sexuelle peut être commise par une ou plusieurs personnes, peu importe le genre ou l'orientation sexuelle.
2. *Criminal Code*, s. 273.1 (1); *R. v. Ewanchuck*, [1999] 1 S.C.R. 330.
3. Pour des études détaillées sur le droit criminel canadien en matière d'agression sexuelle, voir: Lucinda Vandervort, "Affirmative Sexual Consent in Canadian Law, Jurisprudence and Legal Theory", 23 Colum. J. Gender & L. 395 (2012); Jeanine Benedet, "Sexual Assault Cases at the Alberta Court of Appeal: The Roots of Ewanchuck and the Unfinished Revolution", 52 Alta. L. Rev. 127 (2014-2015); Joanne Wright, "Consent and Sexual Violence in Canadian Public Discourse: Reflections on Ewanchuck", 16 Can. J. L. & Soc. 173 (2001).
4. *C. cr.*, art. 273.1 (2) b).
5. *R. c. Ewanchuck*, [1999] 1 R. C. S. 330, par. 42.
6. *Id.*
7. D'ailleurs, nous estimons également qu'il faille également se questionner sur la capacité du système de justice pénale à répondre aux agressions sexuelles en général, même si la plaignante n'était pas intoxiquée. Or, cela dépasse le cadre de cet article.
8. Pour davantage d'information sur ce constat, voir: "Anne Toping, The 'Blurred Lines' of Capacity to Consent in Rape", 4 N.E. L. Rev. 72 (2016); Lise Gotell, "Rethinking Affirmative Consent in Canadian Sexual Assault Law: Neoliberal Sexual Subjects and Risky Women", 41 Akron L. Rev. 865 (2008); Lucinda Vandervort, "Affirmative Sexual Consent in Canadian Law, Jurisprudence and Legal Theory", 23 Colum. J. Gender & L. 395 (2012).
9. Pour les situations dans lesquelles tant la plaignante que l'accusé étaient sévèrement intoxiqués, voir: Michael Scott, "Jake and Josie Get Drunk and Hook up: An Exploration of Mutual Intoxication and Sexual Assault", 54 Alta. L. Rev. 1039 (2017).
10. Galina Razumovsky, "Through A Glass Emptied: Countering Bias Against Intoxicated Victims of Sexual Predation, 5 J. Race Gender & Poverty" 119 (2013-2014), p. 42.
11. Le projet de loi C-51 a été présenté à la Chambre des Communes par la ministre de la Justice Jody Wilson-Raybould le 6 juin 2017. Il a reçu deuxième lecture le 15 juin, avant d'être renvoyé au Comité permanent de la Justice et des droits de la personne pour étude.

Evidence-Based Community Practice and University Involvement

STEPHEN SCHNEIDER
Associate Professor, St. Mary's University, Nova Scotia, & Criminological Researcher

ABOUT THE AUTHOR: Stephen Schneider, Ph.D. is Associate Professor and Graduate Program Coordinator in the Department of Criminology at Saint Mary's University in Nova Scotia. His current research includes the Saint Mary's University Academic Resilience Team (SMART), a quasi-experiment built on principles of crime prevention through social development and recidivism prevention. This pilot project includes the tutoring and mentoring of disadvantaged and marginalized youth (ages 13 to 18) to help them achieve academic success in high school and at the post-secondary level.

Criminality prevention strategies are on the cutting edge of crime control reform efforts in Canada. There is a growing consensus that we must shift away from the primacy of a criminal justice system that is overwhelmingly reactive, addresses only the symptoms of deeper social problems, and has shown to discriminate against racialized and low socio-economic populations. The future of an effective and just national crime control policy must be built upon a preventative approach, especially one that delivers much-needed services to our most vulnerable populations. This article reports on one such initiative: SMU PALS, an innovative social developmental program that matched Saint Mary's University students with children, ages 5-12, from disadvantaged, high-risk environments to address a wide range of criminogenic risk factors.

Positive Role Models & Mentors
Academic Tutoring
Leisure & Physical Activity
Social & Life Skills Development

In 2006, I received funding from Public Safety Canada for SMU PALS.

Among the program participants was "Jessica," a five-year-old girl referred by her elementary school. Jessica (a pseudonym) was typical of many children considered to be at heightened risk of future anti-social behavior: she had been abandoned by her parents, shuffled through multiple foster homes, and sexually and physically abused.

When Jessica began the program, she exhibited many conduct problems: impulsivity, defiance, aggression, not to mention numerous temper tantrums.

INTER-COGNITIVE PROBLEM-SOLVING (ICPS) CURRICULUM

Part of the SMU PALS program was a curriculum called Inter-Cognitive Problem Solving (or "I Can Problem Solve" or simply ICPS - www.icanproblemsolve.info/), which encourages kids to identify and correct their own misbehavior. Developed by Dr. Myra Shore, a clinical psychologist at Drexel University in Philadelphia, ICPS includes a three-part dialogue component that adults are to use with kids when the latter are engaging in negative behaviour. First, an adult asks the

child to determine whether his or her behavior was appropriate ("Is that or is that not a good idea?"). Once the child is able to recognize that the behavior was not a good idea, he or she is asked to discuss the possible consequences of the behavior. When the child is able to articulate two or more consequences, he or she is asked to identify more positive options to the original behaviour.

ICPS attempts to have children engage in self-reflective consequential and critical thinking as a method of promoting better behavior.

It took many of the children some time to be able to reflect on their own misbehavior, let alone identify the consequences and more positive alternatives. Jessica was no different. But one day we appeared to have reached some sort of breakthrough. After being caught running around a classroom at SMU, I asked her whether this was a good idea. She immediately replied, "not a good idea." I next asked her what could happen if she kept running around the classroom. Again, without hesitation, she provided at least three possible consequences. Finally, I asked what she should do in the future when she is in the classroom. To this day, I will never forget her response: "I don't know. I am not God. I can't predict the future!"

This was not the first time I had been outsmarted by a five year old. Yet it also furthered my conviction that all children in the program, regardless of the extent of their "risk factors," possessed what the Search Institute calls "developmental assets,"[1] which can be leveraged for more positive behaviour.

It was heartbreaking to see someone so young already so damaged. But Jessica was smart, savvy, and always had a precocious rejoinder when asked a question or to do something. As part of PALS, she was matched with a SMU student who served as her tutor and mentor. The student was taking part in the PALS program through my service-learning course, Crime Prevention through Social Development (CPSD).

DEVELOPMENTAL CRIMINOLOGY, CPSD INTERVENTIONS - PROVEN STRATEGIES TO ADDRESS ROOT CAUSES

The CPSD course first teaches students about the field of developmental criminology, which examines factors that put young people at risk of future criminal behavior.

CPSD interventions operate on the premise that the root causes of criminality are often a combination of social environmental risk factors (e.g., parental neglect or abuse, poverty, negative role models, inadequate schools, etc.) and personal risk factors (e.g., behavioral, neurological, cognitive, psychological, and mental health or substance abuse problems). Research shows that many chronic and serious offenders suffered from a combination of these risk factors during childhood and adolescence.

SEVEN PERSONAL CRIMINOGENIC RISK FACTORS TARGETED BY SMU PALS

1. Poor academic achievement and cognitive development, focusing on weak literacy skills
2. Low-self-esteem and self-worth
3. Aggression and anger management problems
4. Hyperactivity
5. Low levels of empathy
6. Poor problem-solving skills (inability to anticipate the consequences of one's action, impulsivity, inability to identify positive alternatives to high-risk or anti-social behaviour)
7. Social participation problems (poor social network skills, inability to work in a group context, poor teamwork and cooperation skills)

Saint Mary's students taking the course also learned about the various strategies that have shown to be effective in addressing the root causes of anti-social behavior generally and criminality more specifically.

Many of these strategies are implemented as part of PALS, an acronym that represents the four broad social developmental interventions delivered through the program: Positive Role Models and Mentors, Academic Tutoring, Leisure and Physical Activity, and Social and Life Skills Development.

SMU students also learn the essential role that the concept of childhood resilience plays in preventing the onset of criminal and anti-social behavior. The PALS program consisted of interventions delivered directly to the child (as opposed to targeting social environmental risk factors). The idea behind this approach was that promoting children's personal resilience – by fostering strong self-esteem, academic success, critical thinking, problem-solving, and coping skills, etc. – can help them withstand and emerge from a negative social environment with strong pro-social values and behaviours.

At 5 p.m., two days a week, around 30 SMU students serving as mentors and tutors would wait on the front steps of the main building on campus for the 30 or so kids to arrive via a chartered bus (a third of my budget was spent on transportation given that one of the main challenges identified in programs for at-risk kids is ensuring they attend consistently).

The idea behind having much of the programming at SMU was so the kids could become acquainted with a university setting and higher learning in general.

Watching the bus roll up and the kids run to their tutors was one of the most heartwarming parts of the program. A typical two-hour PALS session followed, beginning with a healthy snack, which allowed the kids to have some free time with their tutors. We would then transition to the academic component of the program, which often consisted of having the kids read to their tutors. The third part of the session focused on social skills development delivered through a fun activity, such as a game or a team sport (using the SMU gym or playing field and often with the help of varsity athletes).

FRIENDS FOR LIFE CURRICULUM

In nurturing the kids' positive life and social skills, the PALS program used various evidence-based, cognitive-behavioural curriculums. In addition to ICPS, another curriculum used was FRIENDS for Life.[2] Developed in Australia by clinical psychologist, Dr. Paula Barrett. FRIENDS is a social skills and resilience-building program that has shown to prevent and reduce anxiety while providing participants with the tools necessary to cope in stressful and challenging situations. The decision to use this curriculum in the PALS program stemmed from the results of intake assessments in which some of the children scored in the clinical range for stress and anxiety.

FRIENDS curriculum can very much be considered a criminality prevention program given research showing the high level of mental health and substance abuse disorders among the youth and adult correctional population

MENTOR-BASED, COGNITIVE-BEHAVIOURAL PEDAGOGY FOR AT-RISK YOUTH

FRIENDS has shown to be effective, not only in treating stress and anxiety in children, but potentially staving off future mental health disorders (such as depression or General Anxiety Disorder) that emerge in part due to a lack of positive coping skills during childhood and adolescence. The SMU students are not simply there to tutor and support their mentees, they actively take part in the interventions delivered through the program. Within the context of social skills development, this has led to what I call a "mentor-based, cognitive-behavioural pedagogy" and consists of the following sequential steps:

1. **Teach the social skill to a group of children and their mentors;**
2. **have the mentors demonstrate through roleplay the particular social skill in front of the group;**

3. **have each mentor roleplay the social skill with their mentee;**
4. **have the children roleplay the social skill with one another in front of the group;**
5. **have the mentor and their mentee "generalize" (practice) their newfound social skill in the broader PALS environment; and,**
6. **have the children generalize their new skills outside of the program (at home, with the participation of their caregivers).**

> Regardless of the social competency or academic skills promoted by PALS, the backbone of the program was the involvement of trained and qualified SMU students as tutors, mentors, and role models for the children. A fundamental aspect of my CPSD applied projects and research is to increase the fidelity of traditional cognitive behavioural interventions for at-risk children and youth by involving university students in the capacity of positive role models and mentors.

The university students are not only educated and become skilled in the important conceptual and theoretical constructs underpinning PALS, they receive ongoing training to enhance their tutoring and mentoring skills. For example, students are taught the intricacies of nurturing literacy skills with their tutee, how to use positive reinforcement to promote on-task behaviour, and how to employ "behavioural modeling" (exhibiting the positive behavior we want the children to emulate). Each SMU student serving as a tutor and mentor is interviewed by program staff to ensure the best possible match with a child. The students are then briefed on the results of the intake assessments of the child, making them aware of her or his risk factors and developmental assets.

EXPERIENTIAL (SERVICE-LEARNING): A WNNING APPROACH TO UNIVERSITY CRIMINOLOGY PEDAGOGY

PALS and other CPSD programs I have implemented are structured as quasi-experimental research projects that test criminality prevention theories and strategies. The vast majority of students who take part in my programs do so through service-learning courses I teach. This not only provides an interactive learning experience for the students, but ensures the interventions are implemented with a high level of fidelity because the tutors and mentors are well educated and trained, are graded on their participation, and can be closely supervised via the course instructor, teaching assistants, and program staff. The service-learning course benefits the higher learning objectives of the university while the accompanying applied programs contribute to the development of marginalized and disadvantaged communities.

Despite the benefits of a CPSD program delivered at a university, the campus is not always an ideal setting for children with behavioural problems (including those that like to hide or run away) and extra precautions must be taken to ensure the campus offers a safe and secure environment for both the children and their mentors.

PALS OUTCOMES

The research findings suggest that children who completed the PALS program experienced an increase in some of the protective (resilience) factors targeted by the program; that is, it achieved success in reducing such risk criminogenic factors among children as conduct problems, anger issues, and impulsivity. Many of the children also achieved greater success in school, including higher grades and advances in literacy levels. Once these findings were subjected to a rigorous independent-measures test, however, the evidence that the PALS program aided in enhancing the targeted personal protective factors is mixed. These results are not atypical of criminality prevention programs, many of which show positive yet modest results.

Interventions designed to prevent the onset of criminal and anti-social behavior by addressing their root causes epitomize the principles of crime prevention. They are proactive in that they attempt to prevent crime and criminality; they are problem-oriented, (focusing on specific risk factors); they are often delivered by non-state actors in a community setting; and, they use evidence-based approaches.

CPSD interventions hold numerous benefits over the traditional criminal justice approach to crime control; not only are they more proactive, preventing criminal behaviour from emerging in the first place, they also incorporate a social justice component by empowering marginalized

populations. The basic interventions delivered by CPSD programs can be critical to the well-being of our most vulnerable individuals and communities, and we, as a society, have a moral obligation to ensure all young people develop pro-social values and have the foundation necessary to succeed in life. ■

1. www.search-institute.org/research/developmental-assets

2. www.friendsresilience.org

RÉSUMÉ

Evidence-Based Community Practice and University Involvement

STEPHEN SCHNEIDER, professeur agrégé, Université St. Mary's, Nouvelle-Écosse, et chercheur en criminologie

Les stratégies de prévention de la criminalité sont à la fine pointe des efforts de réforme du contrôle de la criminalité au Canada. Il y a un consensus croissant voulant que nous cessions de nous centrer sur la primauté d'un système de justice pénale extrêmement réactif, qui ne traite que les symptômes de problèmes sociaux plus profonds, et dont il a été démontré qu'il comporte de la discrimination envers les populations démunies et racialisées. L'avenir d'une politique nationale efficace et juste de lutte à la criminalité doit être fondé sur une approche préventive, en particulier celle qui fournit des services très nécessaires à nos populations les plus vulnérables. Cet article fait état d'une initiative de ce genre: SMU Pals, un programme novateur de développement social à l'intention d'étudiants de l'Université St. Mary's ayant des enfants, âgés de 5-12 ans, provenant de milieux défavorisés et à risque élevé pour répondre à un large éventail de facteurs de risque criminogènes.

CANADIAN MUNICIPAL NETWORK ON CRIME PREVENTION

Together for Safer Canadian Cities

RÉSEAU MUNICIPAL CANADIEN EN PRÉVENTION DE LA CRIMINALITÉ

Ensemble pour des villes canadiennes plus sécuritaires

Together for Safer Canadian Municipalities

The **CANADIAN MUNICIPAL NETWORK ON CRIME PREVENTION (CMNCP)** is a community of practice created to build capacity and mobilize Canadian municipalities to prevent and reduce crime and foster community safety and well-being. CMNCP aims to increase investment in effective, evidence-based and collaborative crime prevention strategies in municipalities.

MEMBERS represent Canadian municipalities from across Canada. They enable the stakeholders and the public in their municipalities to

- access the evidence on what has worked to prevent crime,
- share good practice in successful crime prevention, and
- learn from the practical experiences of other members.

Members collaborate on ways to foster financial and practical support from different sectors providing services to citizens living in municipalities as well as other orders of government.

The **VISION** of CMNCP is to foster community safety and well-being through strategies that go beyond reactive police and criminal justice activities. These include the full range of preventive measures that can tackle the causes of crime through more strategic actions and innovations in sectors such as schools, housing, social and youth services, health and preventative policing. This requires the mobilization of stakeholders in these sectors, greater public engagement, and strategies based on collaboration, evidence, planning, and evaluation of results. It is dependent on leadership, adequate funding and active support from the police and criminal justice sectors (reproduced with permission from CMNCP's website: www.safercities.ca/home).

Ensemble pour des municipalités canadiennes plus sûres

Le **RÉSEAU MUNICIPAL CANADIEN EN PRÉVENTION DE LA CRIMINALITÉ (RMCPC)** est un regroupement de municipalités qui a pour mission de renforcer les capacités et mobiliser les municipalités à réduire la criminalité et à augmenter la sécurité et le bien-être communautaire. Le RMCPC vise à accroître les investissements dans des stratégies municipales efficaces de prévention de la criminalité. Ces stratégies doivent être axées sur la collaboration et sur des données probantes.

Les **MEMBRES** du RMCPC représentent des municipalités canadiennes d'un bout à l'autre du pays. Ils permettent aux intervenants et citoyens des municipalités

- d'avoir accès à des données factuelles sur les stratégies éprouvées de prévention de la criminalité;
- d'échanger des pratiques exemplaires en matière de prévention efficace de la criminalité;
- de tirer des leçons à partir de l'expérience pratique d'autres membres.

Les membres se concertent sur la manière d'obtenir un soutien financier et pratique auprès de différents secteurs offrant des services aux citoyens des municipalités et auprès d'autres ordres de gouvernement.

La **VISION** du RMCPC est de favoriser la sécurité et le bien-être des collectivités au moyen de stratégies autres que réactives (police et système de justice pénale). Ces stratégies misent sur une vaste gamme de mesures préventives susceptibles d'éliminer les causes du crime, notamment par des mesures plus musclées et des initiatives novatrices dans le milieu scolaire, du logement, des services sociaux et des services à la jeunesse, de la santé et des services de prévention. Pour ce faire, il faut mobiliser les principaux intervenants et le public, et mettre en place des stratégies fondées sur la concertation, sur des données probantes, sur la planification et l'évaluation des résultats. L'efficacité de ces stratégies dépend du leadership exercé, du financement accordé et de la qualité du soutien donné par la police et le système de justice pénale (reproduit avec permission du site web RMCPC : www.safercities.ca/fr/page-daccueil).

CMNCP – Supporting Canadian Municipalities

FELIX MUNGER, CHRIS SADELER AND JACKI TOKARYK
This article was written by three authors. Some of the information is based on different CMNCP documents including those produced by staff from the University of Ottawa on behalf of CMNCP.

FELIX MUNGER is the managing consultant for the Canadian Municipal Network on Crime Prevention. A long-time advocate of cohesive, just, and inclusive communities,Felix works with the team at Sustainable Societies Consulting Group providing facilitation, evaluation, strategic planning, collaboration, and knowledge mobilization in the areas of crime prevention, health equity, community development, and environmental sustainability.

CHRIS SADELER is the executive director at the Waterloo Region Crime Prevention Council in Waterloo Region (Ontario). Her work experiences extend from mental health, teen parents, victims of violence and abuse, young offenders, sex offenders and others that tend to live at the margins of our communities, to multiple service providers, police services and politicians of all orders of government. She has a preference for community based solutions and prevention approaches that challenge us to think about old problems in new ways.

JACKI TOKARYK is the Media & Communications Specialist at the City of Surrey Public Safety Office. She has worked in the public sector for 23 years, mainly in the area of public safety. Her career started in 1994 at the Insurance Corporation of British Columbia (ICBC) and in 2011 she moved to the City of Surrey where she is currently the Media and Communications Specialist with the Public Safety Office.

For the past 10 years, the Canadian Municipal Network on Crime Prevention has made it its mission to support municipalities across Canada to achievecommunity safety and wellbeing through the implementation of proven crime prevention strategies that complement enforcement and the criminal justice system. Using evidence-based programs andmentorship, CMNC Pprovides municipalities with the support and direction they need to implement comprehensive upstream approaches that engender measurable reductions in crime and victimization while minimizing costs of enforcement. This article reports on CMNCP (Felix Munger) and illustrates the successful implementation of the evidence-based strategies on crime prevention of two municipalities: Waterloo Region, ON (Chris Sadeler) and City of Surrey, BC (Jacki Tokaryk).

MAKING CANADA SAFER ONE MUNICIPALITY AT A TIME

FELIX MUNGER, Canadian Municipal Network on Crime Prevention (CMNCP)

The Cost of Crime is More Than $$$

CMNCP members believe that Canadian communities that are free of crime and victimization will see significant reductions in financial costs as well as human suffering, trauma, losses in property, wages, and health care savings. In dollar terms, the cumulative cost of crime in Canada is about $55 billion annually. In the municipal context, for every 100,000 people, the accumulated cost of crime is estimated to be $150 million. For a municipality of 1 million people, crime costs are thus $1.5 billion.

For most municipalities, the most pressing crime issue is intimate partner and sexual violence, particularly of women. Depending on the municipality, other issues include:

- Gang-related shootings, which remain an issue since 2000;
- Disproportionately high numbers of Indigenous persons are victimized yearly; and,
- Drug abuse and trafficking.

With approximately 60% of policing costs being paid through property taxes, this puts undue financial pressure on municipalities. Despite declining crime across Canada, policing costs were 43% above the rate of inflation between 2002 and 2012. For many municipalities, this poses a challenge best described by the Federation of Canadian Municipalities in 2016 as "unsustainable growth in policing and public safety costs for municipalities", which is "... crowding out other essential services such as early intervention and crime prevention programs".

Evidence on How to Lower Crime Rates

The good news is that municipalities can reduce crime by investing in evidence-based prevention programs and initiatives that promote investment in social development at the municipal level. In this way, municipalities across the country can lower their crime and victimization rates without further increasing the costs of law enforcement.

The rate of monetary returns for these programs ranges from $4 to $82 for every $1 spent, and the social benefits of healthier Canadian communities are immeasurable. Also important is working towards the elimination of poverty and homelessness as well as advancing the calls for action from the Truth and Reconciliation Commission of Canada.

Appropriate programs circumvent crime and victimization while fostering inclusion, improving education outcomes, providing job training, and enhancing the general social welfare, all of which leads to a better quality of life for Canadians of all ages.

The Importance of Appropriate Municipal Engagement in Crime Prevention

Based on experiences across Canada and internationally, well-planned municipal approaches to crime can significantly reduce street, intimate partner, and other inter-personal violence and crimes. Municipal approaches are often guided by some form of center of responsibility like a Municipal Crime Prevention Office that facilitates collaborative action and engages communities to adapt evidence-based crime prevention programming at the local level; support efforts that contribute to a collective crime prevention agenda; provide education, training, and a place for knowledge exchange.

EXAMPLES OF EVIDENCE-BASED PROGRAMS

- **TRIPLE P** (AU)
  Helping parents in over 25 countries with positive parenting programs.
  www.triplep.net/glo-en/home
- **PROJECT ALERT** (USA)
  School-based programming against substance misuse in young adolescents.
  www.projectalert.com
- **THE FOURTH R** (Canada)
  Innovative youth programming fostering healthy relationships, reducing risk behaviours, dating violence, and violent delinquency, and increasing peer resistance and communication skills.
  www.youthrelationships.org/fourth-r-programs
- **SAFE DATES** (USA)
  School-based program for adolescents to prevent dating violence victimization and perpetration
  www.crimesolutions.gov/ProgramDetails.aspx?ID=142
- **GREEN DOT** (USA)
  Community-based strategy to prevent violence through bystander intervention.
  https://alteristic.org
- **YOUTH INCLUSION PROGRAM YIP**
  (UK and implemented in Atlantic Canada)
  Neighbourhood-based program for at-risk youth.
  www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rslts-yth-nclsn-prgrm/index-en.aspx
- **BIG BROTHERS BIG SISTERS OF CANADA**
  Mentor-based outreach to vulnerable youth.
  www.bigbrothersbigsisters.ca
- **CARDIFF VIOLENCE PREVENTION PROGRAM** (UK)
  Violence-prevention interventions informed by analysis of emergency-room data.
  www.crimesolutions.gov/ProgramDetails.aspx?ID=440

CITY OF SURREY, BRITISH COLUMBIA www.surrey.ca/publicsafety

As the Public Safety Strategy evolves, new initiatives will be developed, and additional partnerships will be fostered. The City maintains a focus on community engagement, particularly with newcomers, young people and seniors. It is important that all community members are aware of and can access programs that enhance their safety and show them how they can contribute to keeping Surrey a great place to live, work, and play. Visit www.surrey.ca/publicsafety to find out more.

A NEW PUBLIC SAFETY STRATEGY[1] IN SURREY, BC

JACKI TOKARYK, City of Surrey Public Safety Office

A noteworthy strategy that facilitates collaborative action and engages communities can be found in Surrey, BC. In October 2016, the City of Surrey launched the first-of-its-kind Public Safety Strategy, a robust action plan that addresses community issues through an evidence-based,collaborative approach that is comprehensive and measurable.

Underpinning the strategy is the recognition that public safety is not solely about responding to crime, it's about building safe, healthy, resilient communities that are not only free from the negative impacts of crime and social disorder, but able to respond effectively to emergencies and crises. As such, the strategy—built through extensive consultation—includes over 30 strategic initiatives that contribute to four key priorities, each of which is presented below along with an example of a strategic initiative:

Prevent and Reduce Crime
- Code Blue Program

- Code Blue is a multi-pronged approach to tackling youth issues and preventing youth from getting involved in crime. It is a proactive endeavour that helps build positive police-youth relationships through an after school, drop-in fitness training program led by RCMP officers.

Ensure Safe Places
- Project IRIS

- Project IRIS is a voluntary online security camera registry. Members of the public and business community can register the location of their security cameras to help speed up identification of potential evidence for criminal investigations.

Build Community Capacity
- Critical Hours Programming (MYzone)

- MYzone is a drop-in program that provides safe, affordable and high-quality programming for the middle years children (ages 8-12) during the critical hours of 3:00pm to 6:00pm (Monday to Friday). With the increasing number of parents and caregivers working full time, this is a critical time of day where children need a safe place to engage in recreation activities, receive support from trained staff, and build their confidence, social skills and resilience.

Support Vulnerable People
- Inter-Agency Case Assessment Team (ICAT)

- ICAT is an initiative led by Surrey RCMP to reduce recidivism among identified high-risk offenders (HROs) with a history of intimate partner violence. One of the tools of the program is a cross-agency team of service providers that work together to identify HROs and proactively put in place supports for the offender and victims. This group shares information, coordinates risk identification, and works collaboratively to prevent future incidents of intimate partner violence.

THE WATERLOO REGION CRIME PREVENTION COUNCIL (WRCPC): A SUCCESS STORY[2]

CHRISTIANE SADELER, WRCPC

Since 1995, Waterloo Region Crime Prevention Council (WRCPC), funded by the Region of Waterloo,has worked toward social justice and positive change through crime-prevention/reduction initiatives. WRCPC came into being through a motion at Regional Council for the Regional Chair to establish a crime prevention task force to advise on crime prevention challenges and opportunities and mobilize multiple sectors such as schools, restorative justice agencies, among many other.

WRCPC (www.preventingcrime.ca)
"...Forty council members bring together a broad range of community perspectives and work together to address the root causes of crime. Members represent the community-at-large, social service agencies, education, public health, municipal planning, justice, corrections, police, community and neighbourhood support agencies and political representatives".

In-Kind Support and Investment from Community Partners: An Interdisciplinary Key to Success

Today, the Waterloo Region Crime Prevention Council employs seven staff in a central office core funded by the regional government. Staff work on community engagement, research, communications, planning and advocacy. The in-kind support and investment from community partners is the interdisciplinary backbone of this success story. Over the past 20 years, this small office has greatly mobilized community members—and organizations in the seven municipalities that make up the Region of Waterloo—to go further upstream and create a culture of social development for and engagement in crime prevention. A multi-sector community board, representing many of the key decision makers from agencies having the capacity to contribute to a broader crime prevention agenda, has met monthly since the inception of WRCPC. Key community players are motivated and mobilized to contribute to this broader prevention agenda through mechanisms that include public education, knowledge exchange, capacity building, neighbourhood development and attention to vulnerable populations.

WRCPC Successes

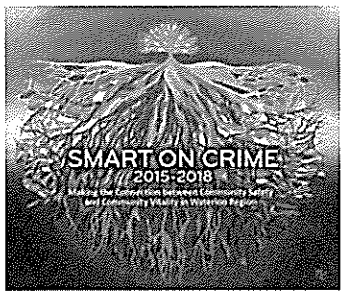
Successes over time have included social media campaigns such as "Look deeper" (at the implementation of the YCJA) and "Say Hi". These have succeeded in engaging broad audiences in looking at the problem of crime and victimization in a way that puts their own contributions to solutions front and center. During a community consultation in 2014 (which engaged over 1500 individuals) for WRCPC's current Smart on Crime (2015-2018) strategic plan, calls for action on homelessness, poverty, disengagement, the criminalization of persons with mental health issues and the link between trauma and problematic substance use far outweighed any calls for greater enforcement. This trend betrays a gradual shift in public perceptions of the root causes of crime.

Toward a Responsible Use of Social Media

WRCPC initiatives are often sustained by key players in the community, thus broadening the investment in prevention. The THINK campaign (2013) reminded students across all schools to be responsible digital citizens. It was, started by WRCPC, but is now part of the educational culture.

Working with Vulnerable Populations *Where They Are At*: Street Gang Prevention in Waterloo Region

A street gang prevention pilot project (inReach, 2013, funded by Public Safety Canada, was awarded to the Region of Waterloo because it has the fifth largest young urban population in the country. The results of this initiative further demonstrate that two key crime prevention efforts provide an impressive return on investment even in short time frames: (1) a multidisciplinary and multi agency team attending holistically to (2) outreach efforts in neighbourhoods having a higher-than-average number of at-risk youth in conflict with the law. A mixed method evaluation confirmed that working with vulnerable populations "where they are at" has significant positive outcomes not only in preventing gang involvement but also in decreasing substance use, increasing employment chances and educational attainment and enhancing meaningful community engagement.



Finally, Waterloo Regional Crime Prevention Centre (WRCPC) over time has been quite successful in influencing other orders of government. While crime is most acutely felt in municipalities and local communities, they cannot design the longer-term solutions alone. A local study on

barriers to calling 911 in overdose situations captured the attention of the federal government and became the impetus for the recently passed Good Samaritan Drug Overdose Law. A WRCPC-hosted forum on hate crime and violence against the LGBTQ community came together in an action report entitled "Breaking the Silence on Hidden Violence" (2015) and has stimulated actions from the municipal council toward making the city "gay-friendly", from establishing gender-neutral bathrooms to providing training for individuals to stand up against violence and discrimination as an ally.

WRCPC has wholehearted embraced what Margaret Mead neatly summarized in the following statement. "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

For more information on WRCPC, please visit www.preventingcrime.ca.

CMNCP –MAKING CANADA SAFER

As a community of practice, CMNCP member municipalities continue to support existing andnew-member municipalities in their efforts to create greater community safety through upstream investments. CMNCP members regularly meet in person and/or over the phone to share best and promising crime prevention practice and to learn from the practical experiences of other members. Furthermore, members have access to an evidence base on effective crime prevention strategies and information on experiences across the country with issues that often prove to be quite similar for municipalities despite regional differences.

CMNCP's Current Goals

- Establishment of National and Provincial/ Territorial Crime Prevention Offices to align social and justice efforts, create partnerships, mobilize evidence, support practitioners, and oversee the allocation of crime prevention funding.
- Increasing government spending on crime prevention to reach a minimum 10% of the current expenditures of policing, courts, and corrections to reduce the harm of interpersonal violence to victims by up to 50% by 2025.
- Funding of an annual Safer Canada Conference to share practices and evidence and to accelerate the widespread adoption of crime prevention among Canadians.

CMCNP and Municipality Mentoring

Through funding by Public Safety Canada, CMNCP is currently offering mentorship for new and existing members municipalities across Canada who want to create community safety and wellbeing through crime prevention strategies that complement enforcement and the criminal justice system. The mentorship program began in April 2017 and will continue until September 2018. Depending on the needs and interests of new member municipalities, the mentorship program facilitates exchanges between current members of CMNCP and future members.

NOTE: This article is based on a number of different CMNCP documents including those produced by staff from the University of Ottawa on behalf of CMNCP.

1. CMNCP does not claim to have been instrumental in the development of the City of Surrey Public Safety Strategy or the Waterloo Region Crime Prevention Council. The municipalities presented here are examples of comprehensive strategies only. However, CMNCP is hopeful that staff at the two municipalities City benefit from CMNCP conversations, trainings, and consultations towards the implementation of their strategy. CMNCP is also hopeful that staff at the City of Surrey and Waterloo Region continue to share their experiences building and implementing the strategy with other municipalities across the country.

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RÉSUMÉ

CMNCP – Supporting Canadian Municipalities

FELIX MUNGER, CHRIS SADELER ET JACKI TOKARYK

Certaines de ces informations sont fondées sur différents documents CMNCP, y compris ceux produits par le personnel de l'Université d'Ottawa au nom de Canadian Municipal Network on Crime Prevention (CMNCP).

Au cours des dix dernières années, le réseau municipal canadien sur la prévention du crime (CMNCP) s'est donné pour mission d'aider les municipalités du Canada à assurer la sécurité et le mieux-être de la collectivité, grâce à la mise en œuvre de stratégies éprouvées de prévention du crime qui complètent les mesures d'application de la loi et le système de justice pénale. À l'aide de programmes et de mentorat axés sur des données probantes, CMNCP fournit aux municipalités le soutien et l'orientation dont elles ont besoin pour mettre en œuvre en amont des approches complètes qui engendrent des réductions mesurables de la criminalité et de la victimisation, tout en minimisant les coûts du maintien de l'ordre. Cet article fait le point sur le CMNCP (Felix Munger) et illustre la mise en œuvre réussie des stratégies fondées sur des données probantes sur la prévention du crime dans deux municipalités: la région de Waterloo, (Chris Sadeler) et la ville de Surrey, en Colombie-Britannique (Jacki Tokaryk).

FASD in the Justice System: A Case for Policy Reform in Saskatchewan

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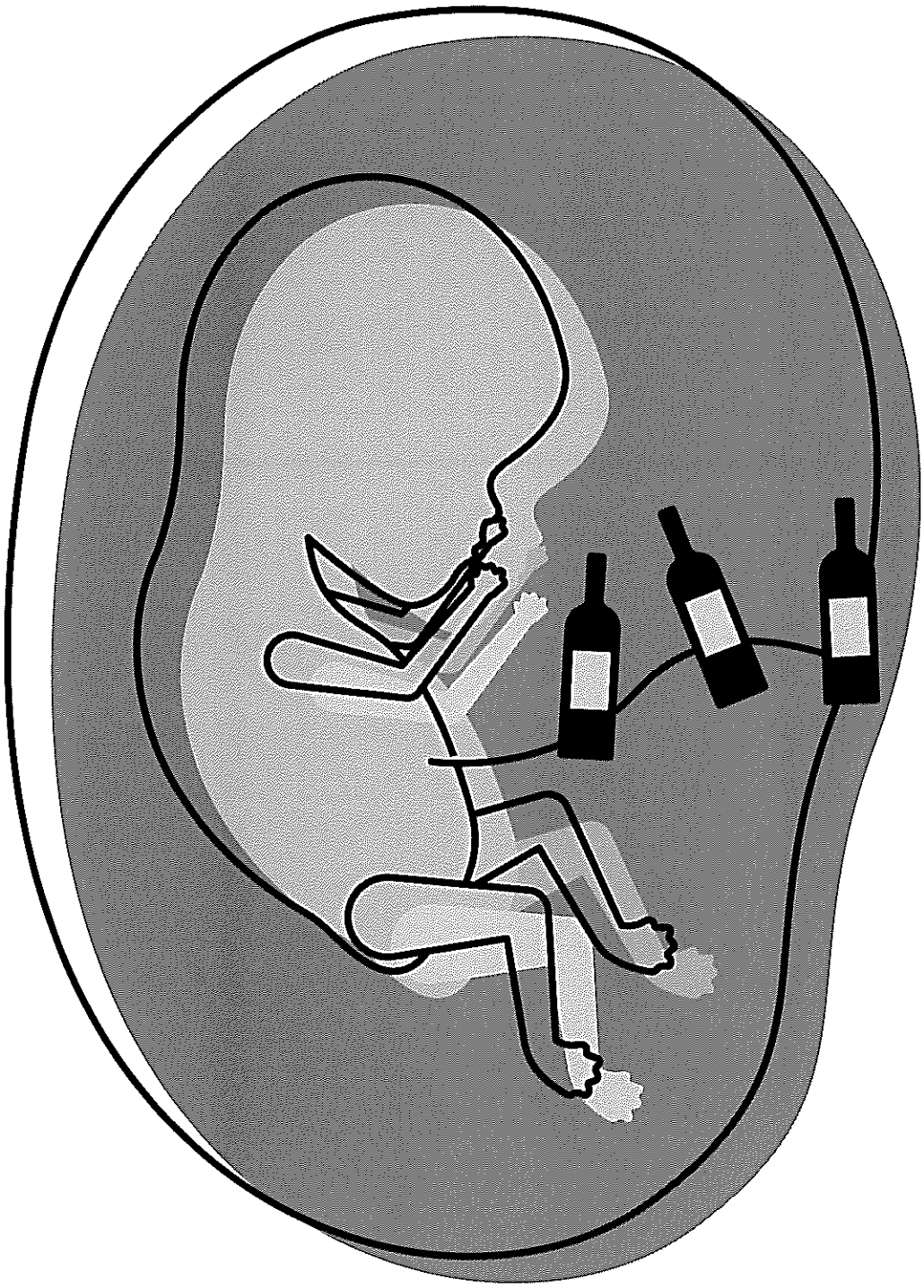
Fetal Alcohol Spectrum Disorder (FASD) is often discussed both by researchers and policy makers in the context of criminal justice, as research demonstrates that individuals with FASD are overrepresented in the justice system. In this article, Johnson argues that this overrepresentation is the result of exclusionary policies which are unresponsive to individuals with FASD because they do not accurately target their needs. This in turn, suggests Johnson, results in a lack of the types of programming needed to mediate numerous secondary challenges that significantly heighten an already elevated risk of conflict with the justice system for people who have FASD.

FASD is an umbrella term encompassing a "broad spectrum of presentations and disabilities resulting from alcohol exposure in utero" (Cook et al., 2016). FASD encompasses a range of physical, neurological, cognitive, socio-emotional and behavioural impairments (Cook et al., 2016; Wyper & Pei, 2016). Individuals with FASD may experience a wide range of challenges in various neurological domains, resulting in difficulties in memory, attention, visual-spatial abilities, executive functioning, processing speed, intelligence, academic achievement, language, and social-emotional and behavioural functioning (Olson et al, 1998; Mattson & Riley, 1998).

FASD AND GENERAL PREVALENCE IN THE JUSTICE SYSTEM

The most cited prevalence estimates suggest that FASD affects 1% of the Canadian population (Popova et al., 2011). The most cited prevalence estimates specific to the justice system suggest that between 10-23% of individuals in correctional populations have FASD (Fast et al., 1999; MacPherson et al., 2011). This overrepresentation of individuals with FASD is further echoed in subsequent areas of the justice system (Wyper & Pei, 2016), including policing (Stewart & Glowatski, 2014), the judiciary and courts (Mutch et al., 2016); Douglas et al., 2012), and community justice (Cox et al., 2008; Mutch et al., 2016). However, research has also suggested that the prevalence of FASD in the general population (Thanh et al., 2014) and the justice population (Streissguth et al., 1996; Fast, Conry & Loock 1999; Popova et al., 2011; Hughes et al., 2016) may be much higher. Researchers have identified a number of barriers to ascertaining an accurate prevalence of FASD including barriers resulting from the diagnostic criteria, the stigma surrounding FASD as compared to other neurocognitive disabilities, and the innate "invisibility" of the disability (Chudley, 2008; Stanley, 2005; Andrew et al., 2011).

Research suggests that 60% of individuals with FASD report having experienced conflict with the justice system (Streissguth et al., 2004). The nature of the primary neurocognitive traits of FASD, including "poor memory, impulsivity, poor judgement, inability to link action and consequences, suggestibility, and gullibility", correlate to increased risk of justice involvement (Mela, 2016, p.122; Wyper



& Pei, 2016). However, as Mela (2016) suggests, the neurocognitive abnormalities of FASD also correlate strongly to increased representation in subsequent risk categories, often identified in FASD literature as "secondary challenges". The secondary challenges that individuals with FASD are at risk of experiencing as a result of their primary neurocognitive disability include mental illness, alcohol and substance use disorders, homelessness, transience, food insecurity, poverty, and difficulties finding and maintaining employment (Popova et al., 2011; Mela, 2016). The experience of these secondary challenges also correlates to increased risk of justice involvement (Popova et al., 2011).

THE ROLE OF COMMUNITY SUPPORTS IN PREVENTING JUSTICE INVOLVEMENT

There is great potential for community programming interventions to respond to and mediate the experience of secondary challenges among individuals with FASD. Drawing from Popova's (2011) research, appropriate interventions for individuals with FASD can reduce or eliminate the experience of secondary challenges among this population, including supportive housing initiatives, supported employment, leisure programming, addictions and substance abuse programming, life-skills courses, mentoring, counselling, connection to medical treatment, and social networks (Dyer, Alberts, & Niemann, 1997; Gerger, 2011). However, as Gerger (2011) argues, the absence of these supports creates an environment wherein individuals with FASD are "almost predictably" going to offend or reoffend (p. 93). Gerger (2011) suggests that the policies informing systems which fail to provide adequate services to individuals with FASD are complicit in creating an environment where individuals with FASD continue to become entrenched and entrapped within the justice system. FASD is first and foremost a health issue, yet in the absence of effective health and social service supports, FASD becomes a justice issue.

POLICY SUPPORTING ACCESS TO SERVICES IN SASKATCHEWAN

The Cognitive Disability Strategy (CDS) of Saskatchewan

The policy in place to support adults (individuals over the age of 18) across Canada varies by jurisdiction (Muhajarine et al., 2014). In Saskatchewan, the Cognitive Disability Strategy (CDS) was established in 2005 to provide continuing benefits and supports to adults with complex neurocognitive disabilities (Government of Saskatchewan, 2005). The Saskatchewan Cognitive Disability Strategy was originally conceptualized as a strategy to fill the gaps in services experienced by individuals with FASD who lack community and familial support networks (Muhajarine et al., 2014). However, as Muhajarine et al. (2014) reveal, the strategy is not adequately addressing the needs of individuals with FASD. In 2013, only 7.9% of the clients served through CDS were diagnosed with FASD (Muhajarine et al., 2014). Inferring from this statistic, of the 784 clients who accessed services through CDS in 2013 (Muhajarine et al., 2014), only 62 of those clients had a diagnosis of FASD. Applying the estimated prevalence rate of 1% for the general population to the population of Saskatchewan according to the Government of Saskatchewan census data (2016), approximately 11,000 individuals with FASD live within the province of Saskatchewan. Despite this, CDS, whose mandate is to provide ongoing support for Saskatchewan residents with cognitive disabilities, provided benefits to only 62 individuals with FASD in 2013. As Gerger (2011) reveals, benefits through CDS are "seldom accessed by an FASD adult and, when they are, support is limited" (p. 96).

ACCESS BARRIERS AND THE CDS

There are numerous barriers to accessing services for individuals with FASD through the CDS, including geographical challenges, misconceptions about FASD, and the existence of secondary challenges themselves (Muhajarine et al., 2014). As Muhajarine et al. (2014) suggest, individuals living in rural or remote communities may face challenges in accessing supports through the CDS. Furthermore, one CDS consultant reported to Muhajarine et al. that "FASD is still a subject that has limited awareness in both the professional and public realm here" (2014, p. 12).

Perhaps the most problematic barrier to accessing supports through Saskatchewan's Cognitive Disability Strategy is that the current policy is not flexible enough to meet the needs of individuals affected by cognitive disabilities who also lack social supports and stability (Muhajarine et al., 2014). As one consultant explained:

> *CDS is really ideal for an individual that has family and community supports in place already. The FASD population is a population we really struggle to support. They're often the ones that we end up trying a case lead for because they're so disconnected and there is too much transiency going on … They need something much more flexible than what we can provide (Muhajarine et al., 2014, p. 13).*

There has been a significant call for supports and services for individuals with FASD to ameliorate secondary challenges (Gerger, 2011; Popova, 2011). However, the CDS policy operating in Saskatchewan actually excludes those individuals who are facing secondary challenges, rather than providing the necessary supports to stabilize and support such individuals.

CONCLUDING REMARKS

The gaps left by the Cognitive Disability Strategy (CDS) of Saskatchewan create an environment in which individuals with FASD are left with few supports and services beyond childhood. Due to the rates at which individuals with FASD experience secondary challenges, coupled with the increasing involvement with the justice system linked to these challenges, policy reform enabling establishment of relevant networks of services and supports is critical to meeting the needs of individuals with FASD. ■

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RÉSUMÉ

FASD in the Justice System: A Case for Policy Reform in Saskatchewan

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L'ensemble des troubles causés par l'alcoolisation fœtale (ETCAF) est souvent abordé à la fois par les chercheurs et les décideurs dans le contexte de la justice criminelle, car la recherche démontre que les personnes atteintes de l'ETCAF sont surreprésentées dans le système judiciaire. Dans cet article, Johnson soutient que cette surreprésentation est le résultat de politiques d'exclusion qui ne répondent pas aux personnes atteintes de l'ETCAF, parce qu'elles ne ciblent pas précisément leurs besoins, ce qui, selon Johnson, se traduit à son tour par un manque du type de programmes nécessaires pour la médiation de nombreux défis secondaires qui augmentent sensiblement un risque déjà élevé de conflit avec le système de justice pour ceux qui souffrent de l'ETCAF.

Life After Jail

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Kristen Prentice explores the issue of Indigenous street gangs in Canada within a framework of the racism, colonization, and economic exclusion faced by many Indigenous youth. These factors combine with the stigma of having a criminal record and low levels of educational attainment to make it difficult for indigenous street gang members to find employment upon release. This is complicated by the fact that a prison term moves one up in the gang, making recidivism quite likely. Noting that prison terms, court-imposed conditions, and anti-gang strategies do little to address the systemic issues that cause Indigenous youth to join gangs in the first place, this article calls for concerted investment in community-based programs.

Indigenous street gangs are the result of racism, colonization, and economic exclusion (Comack et al., 2013). Prison terms, court-imposed conditions, and anti-gang strategies aimed at getting members to leave the gang do little to address the systemic issues that cause Indigenous youth to join gangs in the first place (Comack et al., 2013). One primary factor drawing Indigenous youth to gang life is the potential to earn money (Tanasichuk et al., 2010). Gang members often have low levels of educational attainment and, especially when combined with a criminal record, are unable to secure adequate employment (Tanasichuk et al., 2010). Though Indigenous street gangs attempt to run their drug-dealing activities like businesses, they aren't big money-making enterprises. However, they still often earn more money within the gang than they would in any legitimate jobs available to them (Comack et al., 2013). A criminal record is another signifier of social status that regulates access to employment opportunities within the community (Comack et al., 2013), stigmatization prevents ex-offenders from obtaining legitimate employment.

Varghese et al. (2010) designed a study in which college students were given 12 applicant descriptions that differed in race, professional/academic qualifications, criminal history, and a job listing for a cashier position. They rated applicants based on estimations of the applicant's capability of being hired (Varghese et al., 2010). They found a significant bias against hiring ex-offenders and that the bias persisted even when a charge was simply outstanding and not a conviction (Varghese et al., 2010). When the record contained violent charges, job qualifications had no effect on the students' recommendations for hiring (Varghese et al., 2010).

Indigenous people who have had no contact with the CJS also face racial discrimination challenges when seeking employment. Booth et al. (2012) submitted applications to various organizations in Australia, with fictional names indicating ethnicity. They found Indigenous candidates needed to submit 35% more applications to receive the same number of interviews as their Caucasian counterparts (Booth et al., 2012). A similar study was done in Canada by Oreopoulous (2011), finding substantial discrimination against non-Caucasian sounding names (p. 148). Even university-educated Indigenous graduates take longer to secure employment than their less-educated non-Indigenous peers (Gerber, 2014).

The label 'gang member' adds further problems, because it brands one a troublemaker with a

potential for violence. Indigenous accused are more likely to be denied bail, spend more time on remand, and are over-represented in segregation and maximum-security populations (OCI 2015). Many Indigenous gang members would want legitimate jobs post-incarceration if better jobs were available to them (Comack et al., 2013). It's unlikely that a recently released gang member would be able to walk into an every-day regular job, due to their intimidating demeanor, and they often have several tattoos including face and neck (Comack et al., 2009). The complex circumstances Indigenous gang members face post-incarceration indicate it's imperative to find creative solutions that aid in securing opportunities for employment and reintegration for ex-offenders.

Prison & employment

A common feature of Indigenous gangs is that going to prison gains one seniority and respect. In a 2016 interview, Daniel Wolfe, a founding member of the Indian Posse street gang (IP), asserted that the IP structured itself so that going to prison was mandatory to gain higher status (Friesen, 2016 p. 27). This stipulation associates a prison term with something to aspire to and makes it a marker of social mobility. Instead of a deterrent, gang-involved youth see prison terms as a milestone for transitioning to adulthood (Wacquant, 2009). For Indigenous gang members, being sent to prison is in a sense like being sent to "a corporation's head office" (Comack et al., 2013).

Indigenization of Correctional Institutions: Canada fails in a few key areas

At the time of arrest, 65% of male federal offenders are unemployed (Power & Nolan, 2014). Wacquant (2009) believes prisons mainly serve to warehouse minority working class members who are unable to find adequate employment, due to low levels of educational attainment, discrimination, or otherwise. Thus, they are trapped in a cyclical pattern of "incarceration, chronic joblessness, and poverty" (Wacquant, 2009). While Canada is a leader in the Indigenization of its correctional institutions, it fails in a few key areas (Martel et al., 2011).

Correctional Services Canada (CSC) has attempted to provide culturally appropriate programming guided by Indigenous elders (Martel et al., 2011). As the Correctional Investigator of Canada indicated in the (2015-2016) annual report, however, CSC reported facing "operational challenges" in meeting the number of elders required to fully staff programs (p. 47). CSC requires all program facilitators to participate in training and have certifiable qualifications in addition to their community status, giving CSC substantial control over what Indigenous culture will be (Martel et al., 2011). Former inmates have indicated that some programs didn't differentiate between different groups of Indigenous people, and did not include actual elders from the local community (Martel et al., 2011).

CSC often categorizes Indigenous inmates as higher risk than non-Indigenous inmates (Martel et al., 2011). This bias was also noted in the (2015) judgement of *Ewert v. Canada*, where federal courts determined that the psychological risk assessment scales CSC used were inappropriate for use with Indigenous offenders because they didn't account for cultural bias, lacked scientific evidence, and didn't address the unique needs of the Indigenous prison population (OCI, 2016; *Ewert v. Canada*, 2015).

Limited access to programs also limits exposure to CSC's job training program, CORCAN. Per the Correctional Investigator, (2015) the work experience CORCAN provides doesn't match the needs/expectations of prospective employers in the community. In addition, the largest group of inmates in Canada make $5.80 per day, which means most have little income when released (OCI, 2016). When members are released, gang leaders make sure they are looked after and are re-engaged in gang life (Comack et al., 2013). Scott (2010) found that many offenders felt the only jobs available to them after prison were low-income menial jobs. This disposition makes the allure of quick easy money from criminal activities hard to ignore.

Criminal record & employment issues

Newly released gang members face difficulties looking for jobs and don't always have all legal documents necessary to start applying (Power & Nolan, 2014). Most gang members have extensive criminal records, and a wide range of entry level jobs now require criminal record checks (CCLA, 2014). In the past decade, more records have been created and made available than in any previous decade due to technological advancement, but the records have also become less reliable and are difficult to access (Kilgour, 2013).

The Canadian Police Information Center (CPIC) is responsible for the creation of a national criminal

record database, but municipal police create a local record for their own purposes. In either case, there may be inconsistencies between the national and local records (Kilgour, 2013). These inefficiencies indicate the national records system isn't entirely "effective in terms of formal audits" (Kilgour, 2013). Most offenders don't know how to gain access to their record, nor how to get it sealed, corrected, or purged (Kilgour, 2013). There is no service in place to show them how. In addition, records of non-convictions aren't always automatically removed from the CPIC record and are occasionally provided to potential employers despite the charges being withdrawn or acquitted (Kilgour, 2013; CCLA, 2014). The current legal practice is to allow police services to decide what information should be disclosed, and often greater disclosure than necessary is provided (CCLA, 2014).

The difficulties ex-offenders face attempting to access their own record constitute another barrier to reintegration (Kilgour, 2013). The City of Compton, California, also recognized a lack of training on how to manage one's own criminal record (Brown, 2016). To address this, multiple criminal record clinics were held to help ex-offenders learn how to manage their records, and fix any errors (Brown, 2016). They also held job fairs inviting employers willing to hire ex-offenders, which helped to facilitate the hiring of 300 people (Brown, 2016). Employers' overreliance on criminal records as indicators of potential job-related offending makes it difficult for ex-offenders to find jobs, especially well-paid ones (Petersen, 2016). Employment reduces an individual's potential risk to re-offend considerably, up to one third or one half (Petersen, 2016).

Employers, however, must strike a balance between ethical hiring practices and ensuring the safety of their staff and patrons. Many businesses choose not to hire ex-offenders based on the risk it carries (Lam & Harcourt, 2003, p. 239). Employers can be held liable for incidents caused by employees. Lam & Harcourt (2003) estimated that one bad hire could cost employers over $100,000 USD. This puts a significant burden on employers, and offers no incentive to hire ex-offenders. There is scant research demonstrating whether police record checks reduce crime committed within the work place (CCLA, 2014). The CCLA (2014) found that within the research conducted in this specific area, records of conviction were not adequate predictive tools of future job-related offending, and additionally, that employers did not know how to conduct valid offender risk assessments (p. 59). When ex-offenders are released and unable to obtain legitimate employment, this seems like a secondary, post-release, punishment and further reduces any attachment to the labor force (Lam & Harcourt, 2003). Barriers to employment damage the ex-offender's self-esteem, and may cause them to become depressed and discouraged and vulnerable to re-engaging in criminal activities for financial support (Lam & Harcourt, 2003).

In situations where employers don't require record checks, ex-offenders don't report their criminal record status, and live with constant fear of being ousted by bosses and colleagues Power & Nolan (2014). Ex-offenders don't disclose their criminal record status in order to be more competitive when applying for jobs (Scott, 2010). The possibility of being discovered causes ex-offenders to limit interactions and friendships with co-workers, which prevents establishing new pro-social relationships necessary for reintegration (Power & Nolan, 2014). Positive work relationships help ex-offenders build attachment to the labor force, and "acquire a sense of belonging and community" (Power & Nolan, 2014).

Strategies premised on concepts of suppression, and specialized prosecution units to increase prosecution of gang members aren't effective on their own (Tanasichuk et al., 2010). Research indicates that successful long-term community improvements depend on the engagement of community members (Boyle, 2012). Community building can result in what Boyle describes as an "investment in prevention" (p. 19), yet in 2011, the federal government directed more resources to prison expansion, creating 634 new spaces in four different regions (Bronskill, 2011).

Community anti-gang response: *a long-term investment in prevention*

Anti-gang responses have been implemented in the past by both formal and informal social controls (Gebo & Bond, 2012). Informal social controls refer to organizational structures such as police and gang units, and governmental service providers, whereas informal social controls are community service providers and community figures such as religious leaders (Gebo & Bond, 2012). Programs and strategies premised on the concepts of suppression, and specialized prosecution units to increase the prosecution of gang members are not effective on their own (Gebo & Bond, 2012, Tanasichuk et al., 2010). According to Boyles

(2012), the research indicates that successful long-term community improvements are dependent on the involvement and engagement of the community members. This method of community building can result in what Boyles (2012) describes as a "long-term investment in prevention".

Ogijita Pimatiswin Kinamatwin Program (OPK)

The Ogijita Pimatiswin Kinamatwin Program (OPK) began in Winnipeg, Manitoba, when two senior gang leaders approached Larry Morrissette, a prominent community member in the North End, and asked for help. Morrissette had previously run Indigenous educational programs and was well-acquainted with the community. He was told some of their members were tired of being in and out of jail and found that their criminal histories made them unfit for work (Deane at al., 2007; Comack et al., 2013). The request caught Morrissette (2007) off guard, but he put the program in motion and hired two Indigenous ex-offenders who were carpenters and had lived a crime-free life for over twenty years. The hiring of these two carpenters is significant, because they serve as visual role models for what ex-gang members can accomplish if they desist from crime. As the saying goes, you cannot be what you cannot see.

Many of the participants had never held a job before, had never accessed social assistance, and had subsisted off the proceeds of crime for most of their lives (Deane et al., 2007). OPK put them to work over the course of 10 years (the program was reviewed in research documents in 2007, 2009 and 2010), and they renovated 25 dilapidated houses in Winnipeg's impoverished North End (ACW, 2010). They were paid an hourly wage that is above minimum wage, and can receive referrals to additional educational opportunities and counselling (Deane et al., 2007, p. 126). OPK is not just a job skills program. They were also provided counselling with Indigenous elders and had frequent opportunities to take part in traditional Indigenous ceremonies (ACW, 2010). OPK challenges Indigenous gang members to come to terms with their identities as historically colonized Indigenous men in Canadian society and encourages healing and decolonization (ACW, 2010). They also help Indigenous gang members address the negative racial stereotypes they have endured throughout their lives, a result of living in a colonialist, classist society, and helps them to reframe hostile and self-destructive responses to achieve pro-social behaviours (AWC, 2010; Bracken et al., 2009).

Another key feature of the program is the provision of Indigenous gang members with an avenue to build social capital and forge pro-social relationships with people they may not have met in a criminogenic environment (AWC, 2010). Comack et al. (2009) argue it is necessary to provide gang members with jobs that will help them gain self-esteem and the skills to build a sense of belonging to their community, which in turn will provide benefits for everyone. One OPK member stated that his participation (18 months) was the longest he had ever stayed out of jail since he was 12 years old (Deane et al., 2007). Federal government funding for OPK ended in March 2011, despite research demonstrating that the community-based response had been generating positive results (Comack et al., 2011).

Concluding remarks

It's time to invest in community-based programs that assist gang members and ex-offenders in obtaining direct employment. Provincial governments can save significant costs reducing remand occupancy by investing in prevention through funding of gang intervention programs that focus on employment skills, and direct access to jobs. Funding could also be used to employ gang members to eventually assist community patrols and provide anti-gang presentations. The academic community can play a role, by initiating discourse supporting the funding of new programs, and providing research documenting program efficacy.

It would also be beneficial to provide criminal record clinics to assist offenders in the community. These clinics could be spearheaded by students-at-law on a volunteer basis, or by legal professionals who would be willing to donate their assistance. Creating strategies to address street gangs presents several complex challenges; however, gang intervention programs are necessary to create safer, more equitable communities for Indigenous gang-involved youth. Putting community-based organizations that began as ideas from the community members themselves at the forefront, and providing adequate funding to expand, is one way of accomplishing this. ■

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RÉSUMÉ

Life After Jail

KRISTEN PRENTICE
Étudiante de premier cycle, University of Regina

Cet article traite d'une réponse créative aux facteurs sociKristen Prentice se penche sur le problème des gangs de rue autochtones au Canada, mettant l'accent sur le racisme, la colonisation et l'exclusion économique qui confrontent de nombreux jeunes autochtones. Ces facteurs se conjuguent à la stigmatisation découlant d'un casier judiciaire et de faibles niveaux d'instruction qui rendent difficile pour les membres de gangs de rue autochtones de trouver un emploi au moment de leur remise en liberté. Cette situation est aussi compliquée par le fait qu'un séjour en prison permet de prendre du galon au sein du gang, ce qui rend la récidive fort probable. Soulignant que des peines d'emprisonnement, des conditions imposées par le tribunal et des stratégies antigangs contribuent très peu à atténuer les enjeux systémiques qui font en sorte que les jeunes autochtones se joignent à des gangs, cet article en appelle à des investissements concertés dans des programmes communautaires.

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